

# **City of Harrodsburg Zoning Ordinance**

**Prepared by  
The Greater Harrodsburg/Mercer County  
Planning and Zoning Commission**

Effective February 12, 2007

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## **Article 1 – Enactment, Title, Purpose**

### ***1.1 Short Title***

This ordinance shall be known and may be cited as; "City of Harrodsburg Zoning Ordinance." The official zoning map referenced to herein is entitled;" Zoning Map-Harrodsburg, Kentucky."

### ***1.2 Effective Date***

This ordinance shall become effective immediately upon its adoption and all previous versions and ordinances are hereby repealed, the general welfare demanding it.

### ***1.3 Authority***

The power to enact this ordinance is granted to this municipality under the authority of Kentucky Revised Statutes, Section 100.201 (1966).

### ***1.4 Purpose, objectives, and goals***

It is the intent, purpose, and scope of this ordinance to promote and protect the health, safety, morals. or general welfare of the city by empowering it to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

The objectives and goals of this ordinance are to provide for the harmonious and orderly development of the City in accordance with the Comprehensive Plan of Harrodsburg, Kentucky.

### ***1.5 Interpretation***

This Zoning Ordinance shall be strictly construed and may not be extended by implication except where the intention of the (commission) must prevail. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Whenever this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions or ordinances, the provisions of this ordinance shall govern.

### ***1.6 Severability clause***

If any word or words, phrase or phrases, sentence or sentences of this ordinance should be declared unconstitutional, it shall not thereby invalidate any other portion of this ordinance.

### ***1.7 Application of regulations***

All existing and future structures and uses or premises within the City of Harrodsburg shall conform to all applicable provisions of this ordinance. Each zoning district is established to permit only those uses specifically listed as permitted, except as hereinafter provided under the non-conforming provisions, and is intended for the protection of those uses. No other uses are permitted. The regulations set forth in this Ordinance shall be the minimum requirements and shall apply uniformly to each class or kind of structure or land. The Planning Commission may impose more stringent requirements in the event they feel it is in the best interest of the city or residents of the City of Harrodsburg, KY.

### ***1.8 Schedule of Revisions***

Amendment	Dealing With Section	Adoption Date

## **Article 2 - Definitions**

### **2.1 Definitions**

Unless otherwise stated, the following words shall, for the purpose of this ordinance, have the meanings herein indicated. Words used in the present tense include the future. Words used in the singular number include the plural, and words used in the plural include the singular. The word "person" includes a firm, partnership or corporation. The word "shall" is mandatory and not directory. The word "may" is permissive in nature. The word "used" or the word "occupied" as applied to any land or building shall be construed to include the words "Intended, arranged or designed to be used or occupied."

**Accessory Building or Use, Customary:** A "customary accessory building or use" is one which: is subordinate to and serves the principal building or principal use; Is subordinate in area, extent, or purpose, to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served (does not include places of residence); and; is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

**Access Point:** An access point is:

- (1) A driveway, a local street, or a collector street intersecting an arterial street;
- (2) A driveway or a local street intersecting a collector street; or
- (3) A driveway or a local street intersecting a local street.

**Administrative Official:** Any department, employee, or advisory, elected, or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and, if delegated, any provision of any housing or building regulation or any other land use control regulation. This includes the Executive Director and Zoning Enforcement Officer of the commission.

**Adult Retail (Sexually Oriented Businesses):** A commercial establishment that can be classified as one or more (or a combination) of the following:

1. **Adult Amusement Arcade** – An establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing areas, and/or similar devices either coin, token or slug operated or which, in consideration of an entrance fee, display material distinguished or characterized by an emphasis on depictions of sexual activities, as hereinafter defined, or which offer male or female persons who expose to view of the customer the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially or



completely covered by translucent material, or human or simulated male genitals in a discernible turgid state, even if completely or opaquely covered.

2. **Adult Bookstore** – An establishment having as one of its principal uses the sale, rent or display of pictures, books, periodicals, magazines, appliances and similar material which are distinguished or characterized by their emphasis on depictions of sexual activities as hereinafter defined or an establishment with a substantial segment devoted to the sale, rental or display of such material.
3. **Adult Motion Picture Theater** - An establishment having or advertising as having as one of its principal uses the presentation of motion pictures, slide projections and other similar material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, as hereinafter defined, for observation by persons therein.

Adult retail establishments shall maintain a buffer area of one thousand (1,000) feet from residences, residential zoning districts, churches and other places of worship, schools, motels/hotels, pawn shops, and recreational areas where children may frequent.

Adult retail establishments may operate up to twelve (12) hours per day, Monday through Saturday and shall not extend past 12:00 midnight.

**Alley:** Any public or private way less than twenty (20) feet in width which is set aside as a permanent right-of-way for public travel and which serves as a secondary means of access to abutting property. In the event a public or private way is designated as an "alley" by name, its width shall determine whether it is an "alley" or a "street" within this definition.

**Apartment:** A portion of a building consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

**Apartment House:** See Dwellings, Multi-Family.

**Assisted Living Facility:** An apartment or home-style housing unit residence which provides assisted living to two or more adult persons and which provides supportive services, such as cleaning, shopping, meals, laundry, transportation, 24-hour supervision, and organized activities, within the residence or on the grounds of the residence.

**Automobile Laundry:** A building or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance,

coin operated devices, of the above nature, which are operated on a self-service basis shall be construed to be the same. Also referred to as a “Car Wash”

**Automobile & Trailer Sales Areas:** Any area used for the display, sale, or rental of new or used automobiles or trailers, and where only minor incidental repair of such automobiles or trailers may take place.

**Automobile & Truck Service/Repairs (Major):** Establishments primarily engaged in major automotive and truck repairs including, but not limited to, body restoration and engine overhauls. This use also includes establishments engaged in painting and refinishing of vehicles.

**Automotive Service/Repair (Minor):** Establishments primarily engaged in routine general automotive services and repairs.

**Automotive Wrecking:** This dismantling or wrecking of used motor vehicles, mobile homes, or trailers; or the storage, sale, or dumping of dismantled, wrecked vehicles or their parts. The presence of three or more non-operational motor vehicle on a lot for a time period exceeding thirty days shall constitute evidence regarding the establishment of an automobile wrecking yard. Also may be referred to as a junkyard.

**B-1 Seal:** a unit which has been inspected and found to be in compliance with applicable standards for human habitation.

**B-2 Seal:** a unit which:

- Has been inspected and found not to be in compliance with applicable codes:
- Is a salvage unit unfit for human habitation; and
- Shall be sold only for the purpose of use as a storage or utility building.

**Basement:** That portion of a building the average height of which is at least half below grade, which is ordinarily used for purposes such as storage, laundry facilities, household tool shops, and installation and operation of heating, cooling, ventilating facilities, but which is not ordinarily used for purposes of general household habitation.

**Bed & Breakfast Facility:** An operator occupied dwelling unit where short term transient lodging rooms are provided, including the serving of only a breakfast meal to overnight guests, in exchange for rent. Bed & Breakfast establishments shall not rent rooms for more than seven consecutive (7) days to the same guest and shall be limited to no more than 4 guest rooms. These facilities require the issuance of a Bed & Breakfast permit issued by the Department of Health and Human Services in addition to any requirements herein.

**Board of Adjustments & Appeals or Board:** The Greater Harrodsburg/Mercer County Board of Adjustments & Appeals, unless the context indicates otherwise.

**Buffer Area:** Areas so planned and/or zoned which act as a buffering or separation area between non-compatible zoning districts, due to design, function, use or operation.

**Building:** A structure enclosed within exterior walls or firewalls for the shelter, housing, support, or enclosure of persons, animals, or property of any kind.

**Building, Alteration of:** Any change in the supporting members of a building such as load bearing walls, columns and girders except such change as may be required for its safety; and addition to a building; and change in use from that of one district classification to another; or any movement of a building from one location to another.

**Building Area or Lot Coverage by Building:** That portion of a lot or building site that can be legally occupied by the ground floor of the principal building or use and all permitted accessory uses.

**Building, Completely Enclosed:** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**Building, Detached:** A building surrounded by open space on the same lot or tract of land.

**Building Height:** The vertical distance measured from average elevation of the finished grade adjoining the building at the front building line to the highest point of the roof surfaces, if a flat roof; to the deck line of a mansard roof; and to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

**Building Inspector:** The official or officials appointed by the legislative body to administer and enforce the building codes.

**Building Permit:** A permit issued by the legislative body's building inspector authorizing the construction or alteration of a specific building or structure.

**Building, Principal:** The building on a lot used to accommodate the primary use to which the premises are devoted.

**Building Setback Line:** A horizontal distance line, which is generally parallel to the related front, rear, or side lot line. The building setback line cannot encroach upon the required minimum yard dimensions for principally permitted and accessory uses or structures.

**Building Site:** One contiguous piece of land that meets all of the provisions of the legislative body's ordinances, regulations, and codes for building on said site.

**Block:** The length of a street between two street intersections or, where the distance between street intersections is greater than fourteen hundred (1400) feet, a street length of not less than one thousand (1000) feet.

**Center line of street:** The line surveyed and monumented by the governing body as the center of the street right-of-way. If the center line has not been surveyed and monumented, it shall be the line running midway between the outside curbs or fences along such street.

**Certified Installer:** an individual certified to install manufactured homes in Kentucky pursuant to the administrative regulations of 815 KAR 25:080. (Requirements for certifying manufactured home installers)

**Citizen member:** Any member of the planning commission or board of adjustment who is not an elected or appointed official or employee of the city, county, or consolidated local government.

**Commission:** means planning commission; or The Greater Harrodsburg/Mercer County Planning & Zoning Commission

**Conditional use:** A use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation;

**Conditional Use Permit:** The legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustment, consisting of two (2) parts:

A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and

A statement of the specific conditions which must be met in order for the use to be permitted.

**Consumer service:** Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs.

**Development plan:** means written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

**Dwelling:** A building designed, arranged, or used for permanent living quarters for one or more families and including but not limited to residences and apartment buildings. The word "dwelling" shall not include hotels or motels or other structures designed or used for transient residence, house trailers, and the portions of tourist homes used for transient residence or the portions of boarding or rooming houses used for transient residence.

**Dwelling, Single Family:** (Kentucky Residential Code R202) A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and which shall not be connected to any other unit or building.

**Dwelling, Two Family (Duplex):** A residential building designed, arranged, or used exclusively by two (2) families, living independently of each other. These dwellings shall include site built, manufactured and modular homes.

**Dwelling, Multi-Family:** A residential building, designed, arranged, or used exclusively by three (3) or more families, living independently of each other.

**Dwelling unit (DU):** A single unit providing complete, independent living facilities for one or more persons which include permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Easement:** A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for drainage or access purposes.

**Essential Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare.

**Fiscal Court:** The chief body of the county with legislative power, whether it is the fiscal court, county commissioners, or otherwise.

**Garage:** A structure used for, or designed, arranged or intended to be used for, housing or caring for automobiles, other self-propelled vehicles and trailers.

**Garage, Private:** A garage used by persons residing on the premises for storage only and in which no industry or business is conducted.

**Garage, Public:** Any garage which is open to the public, operated for profit, and used for storage, repair, rental, greasing, washing, servicing or equipping of automobiles, other motor vehicles and trailers.

**Housing or building regulation:** The Kentucky Building Code, the Kentucky Plumbing Code, and any other building or structural code promulgated by the Commonwealth or by its political subdivisions.

**Height of building:** The vertical distance measured from the established average sidewalk grade or street grade of finished grade at the building line, whichever is highest, to the highest point of the building.

**Home occupation:** An occupation or profession for gain or support conducted entirely within the principal dwelling by a member or members of a family residing on the premises and which provides regular employment for not more than two (2) persons who are not a family member on the premises. Home occupations may not utilize more than 25% of the principal dwelling and require a Home Occupation permit.

**Legislative body:** The chief body of the city or consolidated local government with legislative power.

**Lot:** A portion, parcel or plot of land devoted to a common use or a portion, parcel or plat of land occupied by a single building, a single building with customary accessory buildings, or a group of buildings devoted to a common use, including the open spaces required under this ordinance and having its principal frontage on a dedicated street.

**Lot, Corner:** A lot which abuts on two intersecting streets at their intersection.

**Lot, Double frontage:** Any lot other than a corner lot which abuts on two streets.

**Lot, Interior:** Any lot other than a corner lot and including double frontage lots.

**Lot Depth:** The distance from the mid-point of the front lot line to the rear lot line measured in the mean direction of the side lot lines.

**Lot line:** The boundary dividing a given lot from a right of way, street, an alley, an adjoining lot, or an adjoining tract of land.

**Lot line, front:** The boundary between an interior lot and the right-of-way of a street. In the case of a corner lot or a double frontage lot, the "front lot line" shall be the boundary between the lot and the right-of-way of the street determined to be the side street or rear street respectively.

**Lot line, rear:** The lot line opposite the front lot line or the lot line opposite the lot line determined to be the front lot line in the case of a double frontage lot. In the case of a

triangular lot or other nonrectangular lot, the "rear lot line" shall mean a line within the lot, ten (10) feet long, parallel to, and at the maximum distance from the front lot line.

**Lot line, side:** Any lot line which is not a front lot line or a rear lot line.

**Lot of record:** Any lot within the present incorporated limits of the City of Harrodsburg which is duly recorded and on file in the office of the County Clerk as a separate unit of land at the time of the enactment of this ordinance, or any lot in any area annexed by the City of Harrodsburg after the enactment of this ordinance which is duly recorded and on file in the office of the county clerk as a separate unit of land at the time of annexation.

**Lot width:** The distance between side lot lines measured from points on the side lot lines at a distance from the front lot line equal to the front yard depth required in the district in which the lot is located.

**Manufactured home:** (KRS 100.348, SB197) means a single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**Manufactured or mobile home lot:** (HB 417) means a parcel of land in a manufactured or mobile home community for the placement of a single manufactured or mobile home.

**Manufactured or mobile home community:** (HB 417) means a parcel of land, under single or multiple ownership and developed specifically for the purpose of leasing two (2) or more residential spaces for the location of manufactured or mobile home dwellings and which contain common facilities and utilities located on the premises as licensed by the cabinet.

**Mayor:** The chief elected official of the city or consolidated local government whether the official designation of his office is mayor or otherwise.

**Mobile home:** (HB 417) means a structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, that is transportable in one (1) or more sections, that, in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, four hundred (400) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connected with the permanent required utilities, including plumbing, heating, air conditioning, and electrical systems.

**Mobile home court or park:** Any parcel of land developed, used or designed to be used for the location, either temporary or permanent, of mobile homes.

**Modular home:** (R202, 2002 Kentucky Residential Building Code) is an industrialized building system, which is designed to be used as a residence and which is not a manufactured or mobile home.

**Nonconforming use or structure:** means an activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertains to the zone in which it is located.

**Non-retail commercial:** Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non-retail commercial includes wholesaling, warehousing, trucking terminals, and similar commercial enterprises.

**Open space:** An unoccupied space open from the ground to the sky.

**Permanent foundation:** A system of supports that is: capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure; constructed of concrete; and placed at a depth below grade adequate to prevent frost damage.

**Planning operations:** The formulating of plans for the physical development and social and economic well-being of a planning unit, and the formulating of proposals for means of implementing the plans;

**Planning unit:** Any city, county, or consolidated local government, or any combination of cities, counties, or parts of counties, or parts of consolidated local governments engaged in planning operations.

**Planned development project:** A complex of structures and uses planned as an integral unit of development rather than as single structures on single lots.

**Plat:** A map, plan or layout of a city, town, section or subdivision indicating the location and boundaries of individual properties.

**Parking space:** The area required for parking one automobile which shall be a minimum of nine (9) feet wide and eighteen (18) feet long, not including passageways.

**Premises:** A lot or other tract of land under single ownership and all the structures on it.

**Processing:** Manufacturing, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not refer to the fabrication of structures.



**Public facility:** Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

**Public Service Building:** Any building necessary for the operation and maintenance of a utility.

**Qualified manufactured home:** (KRS 100.348, SB 197) a manufactured home that meets all of the following criteria:

- a) Is manufactured on or after July 15, 2002;
- b) Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- c) Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
- d) Has a minimum total living area of nine hundred (900) square feet; and
- e) Is not located in a manufactured home land-lease community.

**Service Station:** A building, buildings, premises or portions thereof which are used or arranged, designed, or intended to be used for the retail sale of gasoline or other motor vehicle, motor boat, or aircraft fuel.

**Several:** Means two (2) or more.

**Sign:** Any combination of letters, pictures, characters, or other display used to identify or direct attention to some activity or direction.

**Sign, Animated:** Any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign.

**Sign, Business:** A sign which directs attention to a business, profession, industry, to type of products sold, manufactured, or assembled, and/or to service or entertainment offered upon said premises and located upon the premises where such sign is displayed.

**Sign, Flashing:** Any sign having a conspicuous and or intermittent variation in the illumination of the sign.

**Sign, Flat:** Any sign which is attached directly, in rigid manner, and parallel to the building wall.

**Sign, Gross area of:** The entire area within a single continuous perimeter enclosing the limits of a sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

**Sign, Ground:** Any sign erected, constructed, or maintained directly upon the ground or upon uprights or braces placed in the ground, with a maximum permitted ground clearance of three (3) feet.

**Sign Identification:** A sign used to identify: the name of the individual, family, organization, or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.

**Sign, Individual Letter:** Letters and/or numbers individually fashioned from metal, glass, plastic or other materials and attached directly to the wall of a building, but not including a sign painted on a wall or other surface.

**Sign, Off-premise Billboard:** A sign that is more than sixteen (16) square feet in area and advertises a business, commodity, service, or entertainment or attraction sold, offered or existing elsewhere than upon the lot or parcel of real estate where the sign is displayed; and is intended for view from a street or highway.

**Sign, Pole:** Any sign affixed to a freestanding supporting pole or poles, embedded in, and extending upward from the ground with a ground clearance exceeding three (3) feet.

**Sign, Projecting:** Any sign projecting from the face of a building and securely attached to the building by bolts, anchors, chains, guys, or to posts, poles, or angle irons attached directly to the building.

**Sign, Window:** Any type of sign or outdoor advertising device which is attached to a window of any building, but shall not extend past the limits of said window. For the purpose of this ordinance, the word "window" shall be construed to mean any glass which comprises part of the surface of the wall regardless of its portability.

**Single Family:** An individual, two or more persons related by blood or marriage, or a group of not more than five (5) persons, who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling unit. The word "family" shall not include groups of more than five (5) persons occupying nursing homes, club houses, fraternity houses, sorority houses, dormitories, barracks, or nurses homes although a portion of a building in this category may consist of one or more dwelling units occupied by a "family" or "families".

**Story:** The part of a building included between any floor and the floor or roof next above.

**Street:** Any public or private way twenty (20) feet or more in width set aside as a permanent right-of-way for vehicular travel by the general public and affording the principal means of access to abutting property. The word “street” shall include the words “highway”, “road”, “pike”, “avenue”, “boulevard”, “lane”, “place”, “drive”, “court”, and similar terms, but shall not include “limited-access highway”, “controlled-access highway” or similar terms used to designate highways which do not afford direct access to abutting property. In the event a public or private way is designated an “alley” by name, its width shall determine whether it is a “street” or an “alley” within this definition.

**Street right-of-way line:** The dividing line between a lot and the right-of-way of a public street, or the dividing line between a lot and the right-of-way of a private street over which two (2) or more dominant estates have the right-of-way.

**Structure:** Any constructed or erected material or combination of materials, the use of which requires more or less permanent location on the ground. The term “structure” includes but is not limited to, building, sheds, storage bins, fences, billboards and signs, stadiums, swimming pools, and tents.

**Tea Room:** An accessory conditional use establishment where tea and other non-alcoholic refreshments and light meals are served operating up to four (4) hours per day with no more than 20 people per seating as conditionally approved by the Board of Adjustments & Appeals, and which also complies with all Mercer County Health Department permitting requirements and other requirements listed herein.

**Total floor area:** The area of all floors of a building including finished attics, finished or unfinished basements, garages and covered porches.

**Underskirting:** A weather resistant material used to enclose the space from the bottom of a manufactured or mobile home to grade.

**Unit:** means planning unit.

**Use:** The purpose or activity for which a building, structure or land is occupied, designed, constructed or maintained.

**Variance:** A departure from dimensional terms of the zoning regulation pertaining to the height, width, length, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

**Yard:** An open space on the same lot with a principal building, unoccupied and unobstructed by buildings or structures from the ground to the sky except where encroachments and accessory buildings are expressly permitted by the provisions of this ordinance.

**Yard, front:** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and measured between the front lot line and nearest part of the principal building.

**Yard, rear:** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and measured between the rear lot line and nearest part of the principal building.

**Yard, side:** An open, unoccupied space on the same lot with a principal building, measured between the side lot line and the nearest part of the principal building and extending from the rear line of the front yard to the front line of the rear yard.

**Zone:** An established area within the city for which the provisions of this ordinance are applicable. (Synonymous with the words "district" or "zoning district".)

## **Article 3 – Establishment of Districts**

### ***3.1 Establishment of Zoning Districts***

For the purpose of this ordinance, the City of Harrodsburg is hereby divided into eight (8) districts. The districts are as follows:

- R-1 Residential District (Low Density)
- R-2 Residential District (High Density)
- H Historic Harrodsburg District
- B-1 Neighborhood Business District
- B-2 General Business District
- B-3 Central Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

### ***3.2 Official zoning map***

The city is hereby divided into zones or districts as shown on the Official Zoning Map, Harrodsburg, Kentucky, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The official zoning map shall be identified by the signature of the mayor attested by the clerk, under the following words: "This is to certify that this is the official zoning map referred to in Article 1 of the City of Harrodsburg Zoning Ordinance ", together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and KRS 100, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city commission by the administrative official. No amendment to this ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance.

Regardless of the existence of purported copies of the official zoning map and ordinance which may from time to time be made or published, the official zoning map and ordinance which shall be kept in the office of the planning commission shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city. Copies of the zoning map and ordinance are also on file in the Harrodsburg City Clerk's Office.

### **3.3 Replacement of official zoning map**

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the city commission may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map 'may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendments thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced as part of the zoning ordinance of the City of Harrodsburg, Kentucky." Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

### **3.4 Amendments to this Ordinance**

#### **3.4.1 Text & Map Amendments**

Amendments to this ordinance may be requested in two (2) forms. The types and procedures are as follows:

1. **Text Amendment** - A proposal for amendment to the text of the ordinance may originate with the city commission, or the planning commission. A text amendment shall require a public hearing at a regularly scheduled meeting of the planning commission. Proper notice shall be given in accordance with KRS 100.211 and a recommendation shall be made to the city commission for approval or denial after voted upon by the planning commission.
2. **Map Amendment** - A proposal for amendment to the official zoning map may originate with the city commission, the planning commission or by a property owner or person having written authorization from the owner of the subject property.

If a property owner desires a use of the property that is not allowed under the existing zoning classification, they may submit an application to the administrative official requesting a change in the zoning designation. The steps to be followed in requesting an amendment to the ordinance are as follows:

1. Application shall be filed with the Administrative Official within twenty one (21) days of a regularly scheduled meeting of the planning commission. At the time of filing of the application, a non-refundable application fee shall be paid in accordance with the approved fee schedule of the planning commission. There shall be no fee required for an amendment initiated by any governmental agency.
2. Notice of Public Hearing on the proposed amendment shall be given in accordance with the provisions of KRS 100.211.

3. The commission staff shall study and review the application, and comprehensive plan and zoning ordinance and shall prepare and present a written record of findings and recommendations to the planning commission as to whether or not the request meets the requirements of KRS chapter 100.
4. After notice of the public hearing has been duly given, the Planning Commission shall hold a public hearing on the proposed amendment.
5. Findings necessary for proposed map amendment (KRS 100.213) Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:
  1. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; and
  2. That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

### **3.4.2 Action by the City Commission**

The city commission shall not act upon a proposed text or map amendment until it has received the written recommendation thereon from the Planning Commission. It shall take a majority vote of the entire City Commission to override the recommendation of the Planning Commission.

### **3.4.3 Special Requirements for Map Amendment requests**

As a condition to the granting of any map amendment request, the Planning Commission shall require the submission of a conceptual development plan which, where agreed upon, shall be followed. As a further condition, the planning commission may require that substantial construction has taken place within 12 months, provided that such zoning change shall not revert to its original designation unless there has been a public hearing.

### **3.4.4 Reversion Clause**

The Planning Commission shall on the date one (1) year from the adoption date of an application to rezone, review the action of the developer (owner) toward the development of the rezoned property. The Commission may, based upon its review and after a public hearing, initiate an order reverting the zoning of the property to that which existed prior to the rezoning.

### **3.4.5 Reconsideration**

The Planning Commission shall prohibit for two (2) years, the reconsideration of a map amendment identical to a denied map amendment.

### ***3.5 Interpretation of zoning district boundaries***

The following rules shall be used to interpret the exact location of the zoning district boundaries shown on the zoning map:

- a) Where a zoning district boundary follows a street or railroad the center line of the street or railroad right-of-way is the boundary of the district.
- b) Where a zoning district boundary approximately follows a lot or property line, that line is the boundary of the district.
- c) Where a zoning district boundary follows a stream or the shore of a body of water, that stream or shore line is the boundary of the district.
- d) Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.
- e) In any case where the exact location of a boundary is not clear, the Board of Adjustments and Appeals shall use these rules to determine the exact location upon application by the enforcement officer for an original interpretation.

### ***3.6 Areas unassigned to a zoning district***

In case, including proposals that may arise under 3.4.1(2) of this section, any area in which this zoning ordinance does not apply hereafter is to be annexed to the City of Harrodsburg, the planning commission shall initiate the amendment procedure to assign such areas to a zoning district prior to its annexation. The planning commission must hold a public hearing and assign appropriate zoning for the territory to be annexed.



## **Article 4 – General Regulations Applicable to all Zoning Districts**

### ***4.1 Building/Zoning Permit Required***

No building or other structure shall be erected, moved, constructed, added to, or structurally altered without a permit issued by the Building Inspector of Harrodsburg/Mercer County subject to review and zoning approval by the Greater Harrodsburg/Mercer County Planning & Zoning Commission. This provision includes accessory structures and signage for businesses.

In the event that the proposed construction exceeds local authority for the issuance of a building permit, a Zoning Permit shall still be required and issued by the Greater Harrodsburg/Mercer County Planning & Zoning Commission.

### ***4.2 Issuance of Building/Zoning Permits***

Upon submission of a properly completed permit application with accompanying supporting documentation, the administrative official shall review the application for compliance with the provisions of this ordinance. The administrative official shall act upon the permit application within ten (10) days of receipt of all required documentation and forward the application to the building inspector for final disposition. All fees for the permit shall be paid at the time of application.

In the event the proposed construction fails to comply with the zoning ordinance, the administrative official shall refuse to issue such permit and so inform the applicant in writing within 10 days from determination of such denial.

The building/zoning permit is valid for a period of twelve (12) months from the original date of issuance unless substantial progress has been made or in the determination of the administrative official and/or building inspector that extenuating circumstances may have caused the expiration of the permit through no fault of the applicant.

Building/Zoning permits are non-transferable and are only valid to the parcel to which it was originally issued. In the event the parcel changes ownership while construction is underway, the new property owner shall be required to amend and update the originally issued permit.

### ***4.3 Violations regarding Building/Zoning Permits***

Anyone who commences construction of a building or structure prior to receiving a building/zoning permit shall be assessed a penalty of 100% of the required building permit fee. This penalty is in addition to the actual required permit fee. For the purposes of this provision, placement of any pre-fabricated structure or any work other than grading (site preparation) constitutes construction.

#### ***4.4 Obstructions to vision at street intersections prohibited***

On any corner lot in all districts, except the central business district, there shall be no obstruction to traffic visibility within thirty five (35) feet of the intersection of any two (2) street right-of-way lines. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

#### ***4.5 Front yard requirements for double frontage lots***

Double frontage lots shall meet the front yard requirements of the district or districts in which they are located on both of the streets upon which they front.

#### ***4.6 Adjustment to Front Setback/Building Line***

In the event that new construction of a principal dwelling would substantially offset the structures alignment from existing dwellings in an existing and approved subdivision, where the majority of the subdivision fails to meet the current ordinance setback requirements, the front setback may be adjusted without the issuance of a variance from the Board of Adjustments and Appeals to an adjusted average setback calculated by the measurement of the setback of the existing adjoining structures by commission staff. This adjustment shall be documented on the building/zoning permit.

#### ***4.7 Required yard not to be used by another building***

No part of a yard required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard required by this ordinance for another building.

#### ***4.8 Reductions in lot area***

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area if other applicable requirements of this ordinance are not met.

#### ***4.9 Lot of record***

The owner of a lot of official record, which lot at the time of the adoption of this ordinance does not include sufficient land to conform to the yard or other requirements of this ordinance, may submit an application to the Board of Adjustments and Appeals for a variance from the terms of this ordinance in accordance with provisions of Article 15. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Adjustments and Appeals.

#### ***4.10 Junkyards***

Junkyards are not designated as permitted uses in any district and are consequently nonconforming uses in all districts. They shall conform to Article 5 of this ordinance prescribing regulations for nonconforming uses. The enforcement officer shall ensure

that all existing junkyards maintain valid permits to operate issued by the Kentucky Department of Highways, as required by Kentucky Revised Statutes 177.905 through 177.960, and he shall ensure that all screening required by the Department of Highways is maintained as long as the junkyards remain in operation.

#### ***4.10 Penalties and remedies***

Penalties - Any person violating any provisions of this regulation, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars (\$100.00); nor more than five hundred dollars (\$500.00) for each offense. Each day of such violation continues shall constitute a separate offense.

Remedies - In such case any building is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this regulation, the enforcement officer or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute an injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of such building, structure, or land.

## **Article 5 – Non-Conforming Uses & Structures**

### **5.1 Nonconforming uses**

1. Lawful nonconforming uses existing at the time of the enactment of this ordinance or any amendment thereto may be continued subject to the following provisions.
  - a) A nonconforming use shall not be changed to any but a conforming use. When a nonconforming use has been changed to a conforming use, it shall not be changed again to any nonconforming use.
  - b) A nonconforming use of a building or buildings shall not be expanded, enlarged or extended to include either additional land or buildings after the enactment or subsequent amendment of this ordinance.
  - c) A nonconforming use of land shall not hereafter be extended over a larger land area than the area utilized for the nonconforming use at the time of the enactment or subsequent amendment of this ordinance.
  - d) A building or structure housing a nonconforming use shall not be structurally altered. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
2. When a nonconforming use of any building, structure or land has been discontinued for a period of twelve (12) consecutive months, it shall not be re-established or changed to any use not in conformity with the provisions of the district in which it is located. Non-operative status or vacating of the premises or building shall be evidence of a discontinued use.
3. The Board of Adjustments and Appeals shall have the power to decide whether any building or structure containing a nonconforming use which is damaged by fire, flood, wind or other act of God or man to the extent of sixty (60) percent or more exclusive of foundations of its fair sales value immediately prior to damage shall be repaired or reconstructed except in conformity with the provisions of this ordinance.
4. Any building or structure containing nonconforming use which is damaged by fire, flood, wind or other act of God or man to an extent of more than twenty-five (25) percent but less than fifty (50) percent of its fair sale value immediately prior to damage shall not be repaired or reconstructed except in conformity with this ordinance unless such reconstruction or repair takes place within twelve (12) months of the damage.
5. No building or structure designed or intended to be utilized for a nonconforming use shall be constructed or allowed unless construction is already underway at the time of the enactment or subsequent amendment of the ordinance and is being diligently

prosecuted so that such building or structure will be completed within eighteen (18) months from the time of the enactment or subsequent amendment of this ordinance. All outstanding building permits for construction which do not meet these requirements shall be rendered null and void by the enactment or subsequent amendment of this ordinance.

## ***5.2 Nonconforming buildings and structures***

1. Lawful nonconforming buildings and structures existing at the time of the passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provision.

A nonconforming building or structure shall not be extended or enlarged where the extension or enlargement increases the degree of non-conformity.

2. The Board of Adjustments and Appeals shall have the power to decide whether any building or structure containing a nonconforming use which is damaged by fire, flood, wind or other act of God or man to the extent of sixty (60) percent or more of its fair sales value immediately prior to damage shall be repaired or reconstructed except in conformity with the provisions of this ordinance.

## ***5.3 Discontinuance of nonconforming uses***

All nonconforming junk yards, automobile graveyards, lumber yards, coal and fuel yards, used automobile sales lots, machinery and equipment storage and sales yards, free standing signs and billboards and similar uses or open land not involving an investment in permanent buildings and facilities of fifty (50) percent or more of the assessed valuation for tax purposes of the land on which they stand shall be torn down, altered or otherwise made to conform with the provisions and regulations of this ordinance within one (1) year of the date of its enactment or subsequent amendment.

## **Article 6 – Provisions Governing Residential Districts**

### **6.1 *R-1 Residential District (Low Density)***

#### **6.1.1. Uses permitted by Right**

- a) Single family dwellings (SFD)
- b) Manufactured Home, Qualified Manufactured Home
- c) Home Occupations (as defined in Article 2)
- d) Essential Utility Services

#### **6.1.2. Uses permitted by Condition**

The following uses are conditional uses and require written approval of the Board of Adjustments and Appeals:

- a) Churches and other places of worship;
- b) Parish houses;
- c) Public libraries;
- d) Schools offering general educational courses;
- e) Public parks and noncommercial public recreational utilities;
- f) Funeral homes;
- g) Cemeteries,
- h) Hospitals for human care,
- i) Assisted Living Centers
- j) Nursing homes
- k) Philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business;
- l) Professional offices, studios;
- m) Bed & Breakfast establishments;
- n) Professional offices, as determined by commission staff wherein the property owner is not resident to the dwelling.
- o) Any other use as determined by planning commission staff which is determined to be similar in nature to the above referenced conditional uses.
- p) Tea Room

#### **6.1.3. Uses Prohibited**

- a) Any use or structure either by right or condition not specifically listed herein

#### **6.1.4. Accessory Structures**

- a) Storage Buildings
- b) Detached Garages
- c) Private Swimming Pools
- d) Other detached structures identified as customary and incidental to the principal use of the property.

The maximum allowable coverage of all accessory structures shall be limited to 30% of the combined square footage of the side and rear yard areas of a parcel. The maximum allowable coverage of all accessory structures under roof shall not exceed 25% of the principal structures main floor square footage.

Property owners who desire to exceed these limitations may apply for a variance on a case by case basis to the Board of Adjustments & Appeals.

### **6.1.5. Dimensional Requirements**

**Height** - No building shall exceed two (2) stories or thirty (30) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty (30) feet. In no case shall the height exceed fifty (50) feet.

**Front, Side and Rear Yard Setbacks** - All buildings shall have the following minimum yard space:

Front Setback	25 feet
Rear Setback	20 feet
Side Setback	12 feet

**Yard requirements for corner lots** - The side yard requirements for all buildings on corner lots shall be such that no corner lot buildings extend toward the side street more than ten (10) feet beyond the setback line set for buildings along the street considered to be the side street to the corner lot.

**Accessory Structures** - Shall have the following minimum space to the lot lines and all other structures on the lot:

Rear depth	5 feet
Side width	5 feet

### **6.1.6. Required lot area and width**

Minimum lot area and lot width served by sanitary sewer for single family dwellings

Lot area - 10,000 square feet
Lot width - 75 feet

Minimum lot area and lot width NOT served by sanitary sewer for single family dwellings shall provide certification of Health Department approval and meet the following minimum dimensions

Lot area - 12,000 square feet  
Lot width - 100 feet

### **6.1.7. Encroachments**

Front Setback - Balconies, stoops, stairs, chimneys, open porches, bay windows, eaves, and elevated doorways shall be permitted to extend into the minimum front setback a maximum of 8 feet.

Rear Setback - Pools, open patios, and decks in rear yard shall be permitted to extend into the minimum rear setback a maximum of 5 feet.

## **6.2 R-2 Residential Districts (High Density)**

### **6.2.1. Uses permitted by Right**

- a) Single family dwellings (SFD)
- b) Duplexes, Multiple Family and Townhouse Dwellings
- c) Manufactured Duplex, Qualified Manufactured Duplex
- d) Planned Unit Developments
- e) Home Occupations (as defined in Article 2)
- f) Essential Utility Services

### **6.2.2. Uses permitted by Condition**

The following uses are conditional uses and require written approval of the Board of Adjustments and Appeals:

- a) Churches and other places of worship;
- b) parish houses;
- c) public libraries;
- d) schools offering general educational courses;
- e) public parks and noncommercial public recreational utilities;
- f) funeral homes;
- g) cemeteries,
- h) hospitals for human care,
- i) Assisted Living Centers
- j) Nursing homes
- k) philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business;
- l) Professional offices, studios;
- m) Bed & Breakfast establishments;
- n) Professional offices, as determined by commission staff wherein the property owner is not resident to the dwelling.
- o) Any other use as determined by planning commission staff which is determined to be similar in nature to the above referenced conditional uses.
- p) Tea Room



### 6.2.3. Uses Prohibited

Any use or structure either by right or condition not specifically listed herein.

### 6.2.4. Accessory Structures

- a) Storage Buildings
- b) Detached Garages
- c) Private Swimming Pools
- d) Other detached structures identified as customary and incidental to the principal use of the property

### 6.2.5. Dimensional Requirements

**Height** - No building shall exceed two (2) stories or thirty (30) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty (30) feet. In no case shall the height exceed fifty (50) feet.

**Front, Side and Rear Yard Setbacks** - All buildings, except townhouse units shall have the following minimum yard space:

Front Setback	25 feet
Rear Setback	20 feet
Side Setback	8 feet

**Yard requirements for corner lots** - The side yard requirements for all buildings on corner lots shall be such that no corner lot buildings extend toward the side street more than ten (10) feet beyond the setback line set for buildings along the street considered to be the side street to the corner lot.

**Accessory Structures** - Shall have the following minimum space to the lot lines and all other structures on the lot:

Rear depth –	5 feet
Side width –	5 feet

### 6.2.6. Required lot area and width

#### R-2 Single Family Dwellings

Minimum lot area and lot width served by sanitary sewer for single family dwellings

Lot area -	6,000 square feet
Lot width -	50 feet

Minimum lot area and lot width NOT served by sanitary sewer for single family dwellings shall provide certification of Health Department approval and meet the following minimum dimensions

Lot area - 12,000 square feet

Lot width - 100 feet

## **R-2 Duplexes**

Minimum lot area and lot width served by sanitary sewer for duplexes

Lot area - 6,000 square feet (plus an additional 3,000 square feet for each additional dwelling unit)

Lot width -75 feet

Minimum lot area and lot width NOT served by sanitary sewer shall provide certification of Health Department approval and meet the following minimum dimensions

Lot area - 12,000 square feet (plus an additional 3,000 square feet for each additional dwelling unit)

Lot width -100 feet

## **R-2 Townhouse Dwelling Units**

- a) A duplex or multi-family building may be subdivided into separate lots provided that the original lot meets all current zoning requirements (lot square footage, lot frontage, all setbacks for proposed building, etc.) for the proposed multi-family building.
- b) The minimum lot frontage may be reduced to eighteen (18) feet per unit. The minimum building width shall be eighteen (18) feet. The property lines of each separate unit are to be located within the common walls of each separate unit.
- c) The minimum lot size shall be 1,800 square feet per unit.
- d) The minimum side yard setback requirement is eliminated for all interior separate units.
- e) The minimum side yard setback is eliminated on the interior side of all outer units.
- f) The minimum side yard setback of the exterior wall of all outer units shall be eight (8) feet.
- g) The front setback of each separate unit shall be twenty five (25) feet.
- h) The rear setback of each separate unit shall be twenty (20) feet.
- i) There shall be a minimum of two (2) off-street parking spaces provided for each separate unit. The driveways for the parking spaces of each unit shall be physically separated to adequately ensure the integrity of the separate driveways.

- j) No building shall exceed two (2) stories or thirty (30) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty (30) feet. In no case shall the height exceed fifty (50) feet.
- k) There shall be a minimum three (3) foot front to rear offset between all units.
- l) Not less than 180 square feet of the total lot area for any townhouse units shall be devoted to private useable open space on each lot. Such open space shall be for the private use of the residents of each individual townhouse and shall be physically separated from other private open space or common space by plantings, fences, or walls. The least dimension of the private open space shall be ten (10) feet.
- m) A preliminary plat of the proposed construction and subdivision shall be approved by the Planning and Zoning Commission prior to the issuance of a building permit or starting construction.
- n) The builder shall provide the building inspector with a set of plans prepared by a licensed architect which shows that all separation walls meet the current building code for the State of Kentucky at the time of obtaining a building permit.
- o) A final subdivision plat shall be presented to Harrodsburg/Mercer County Planning and Zoning Commission showing the location of the building(s) and the subdivision of the building(s) into separate lots after construction of the foundation and prior to the framing construction to ensure that the property lines are located in the common walls and otherwise meet all requirements.
- p) If the dwellings are not served by sanitary sewer, the requirements of the R-1 district shall apply.

### **6.2.7 Encroachments**

Front Setback - Balconies, stoops, stairs, chimneys, open porches, bay windows, eaves, and elevated doorways shall be permitted to extend into the minimum front setback a maximum of 4 feet.

Rear Setback - Pools, open patios, and decks in rear yard shall be permitted to extend into the minimum rear setback a maximum of 5 feet.

## **Article 7 – Provisions Governing Historic Districts**

### **7.1. *Historic Harrodsburg district***

This district is regulated to promote cultural and economic welfare by preserving the unique architectural character and appearance of old Harrodsburg. Within the Historic Harrodsburg District, the following regulations shall apply:

### **7.2. *Uses permitted***

Any use permitted in the R-2 high density residential district.

Offices such as that of a physician, dentist, lawyer, musician, engineer, or other professional person, government offices, banks, buildings and loan associations; provided, however that no retail business, unless specifically defined herein, shall be conducted within this area.

### **7.3. *Uses prohibited***

Any use not specifically permitted in this article.

The use of a part of existing dwellings or their accessory buildings if constructed prior to 1870, as studios, tearooms, gift, antique, book and handicraft shops; and other similar purposes having a relation to historic interest; provided that no alterations, other than those necessary to assure the safety of the structure shall be made to any building for the purpose of maintaining such accessory uses unless approved by the Board of Adjustments & Appeals.

### **7.4. *Procedure***

In order to promote general welfare through the preservation of historic places and areas of historic interest, applications for building permits and for certificates of occupancy in the Historic Harrodsburg District must be approved by the board of zoning adjustment in addition to the Harrodsburg Board of Architectural Review as to exterior of buildings and grounds which are subject to public view from a public street or way before building permits or certificates of occupancy may be issued by the building inspector. Such requirement is in addition to the other provisions of this ordinance.

Evidence of such required approval shall be a certificate of appropriateness issued by the Harrodsburg Board of Architectural Review. Such certificate shall be a statement signed by the chairman of the board stating that the exterior architectural features of the proposed construction, reconstruction, alteration, restoration or use for which application has been made are approved by the board and shall be provided to the building inspector prior to issuance of building permits.

### **7.5. Meetings**

The board shall meet within thirty (30) days after notification by the Executive Director of the filing of an application for a building permit or certificate of occupancy for a case upon which it is required to pass, and at such other times as the board may determine or upon call of the chairman.

### **7.6. Power and duties**

It shall be the function and duty of the board to pass upon the appropriateness of exterior features of grounds, buildings and structures hereafter erected, reconstructed, altered or restored, in the Historic Harrodsburg District wherever such exterior features are subject to public view from a public street or way.

### **7.7. Review of Plans**

All plans, elevations and other information necessary to determine the appropriateness of the features to be passed upon, together with a copy of the application for building permit or certificate of occupancy shall be made available to the board by the building inspector.

The board in passing upon cases shall consider, among other things, the general design, arrangement, landscaping, texture, material and color of the building or structure in question and the relation of such factors to similar features of buildings and grounds in the immediate surroundings. The board shall not consider detailed design; relative size of the buildings in plan; interior arrangement; or building or lot features not subject to public view; nor shall it make requirements except for the purposes of preventing development obviously incongruous to the old historic aspects of the surroundings.

In case of disapproval, the board shall state the reasons therefore in a written statement to the applicant and may advise the applicant and make recommendations thereto in regard to appropriateness of design, arrangement, texture, materials, color and the like of the property involved.

Upon approval of the plans, the board shall forthwith transmit a report to the Building inspector stating the basis upon which such approval was made and cause a certificate of appropriateness to be issued to the applicant. If the board shall fail to take final action upon any case within forty-five (45) days after the date of application for permits, the case shall be deemed to be disapproved, except where mutual agreement has been made for an extension of the time limit.

### **7.8. Required building setback line lot area and yard dimensions**

Buildings shall comply with the setback, lot and yard requirements as shown below, except that the board may vary requirements to conform to surrounding properties.

**Height** - No building shall exceed two (2) stories or thirty (30) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty (30) feet. In no case shall the height exceed fifty (50) feet.

**Front, Side and Rear Yard Setbacks** - All buildings, except townhouse units shall have the following minimum yard space:

Front Yard Setback	25 feet
Rear Yard Setback	20 feet
Side Yard Setback	8 feet

**Yard requirements for corner lots** - The side yard requirements for all buildings on corner lots shall be such that no corner lot buildings extend toward the side street more than ten (10) feet beyond the setback line set for buildings along the street considered to be the side street to the corner lot.

**Accessory Structures** - Shall have the following minimum space to the lot lines and all other structures on the lot:

Rear depth –	5 feet
Side width –	5 feet

Minimum lot area and lot width served by sanitary sewer:

Lot area -	6,000 square feet
Lot width -	50 feet

Minimum lot area and lot width NOT served by sanitary sewer shall provide certification of Health Department approval and meet the following minimum dimensions

Lot area -	12,000 square feet
Lot width -	100 feet

## **Article 8 - Provisions Governing Business Districts**

### **8.1 *Neighborhood Business District (B-1)***

Within the neighborhood business districts the following regulations shall apply:

#### **8.1.1. Uses Permitted**

- a) Single family dwellings (SFD)
- b) Home Occupations (as defined in Article 2)
- c) Essential Utility Services
- d) Banks
- e) Barber & Beauty shops
- f) Medical clinics
- g) Assisted living centers
- h) Nursing homes
- i) Drug store
- j) Dry cleaners & Launderette (self-service)
- k) Gas stations
- l) Fruit market
- m) Funeral homes
- n) Grocery store
- o) Hardware store
- p) Offices
- q) Restaurants
- r) Retail businesses
- s) Retail service establishments
- t) Offices not specifically permitted above including stores and shops for special or custom work or for the manufacture of articles, the major portion of which are to be sold on the premises
- u) Other similar retail businesses.

#### **8.1.2 Uses permitted by Condition**

- a) Bed & Breakfast Establishments

#### **8.1.3. Uses prohibited**

- a) Adult Retail
- b) Any use not specifically permitted or conditionally permitted in this article and any use which in the opinion of the Board of Adjustment and Appeals would be detrimental to the development of this district as a neighborhood business district.

#### **8.1.4. Required Lot Area and Yard Dimensions**

All buildings intended for residential use, in whole or in part shall comply with the area and yard requirements of an R-2 district as shown below:

**Front, Side and Rear Yard Setbacks** - All buildings, except townhouse units shall have the following minimum yard space:

Front Yard Setback	25 feet
Rear Yard Setback	20 feet
Side Yard Setback	8 feet

**Yard requirements for corner lots** - The side yard requirements for all buildings on corner lots shall be such that no corner lot buildings extend toward the side street more than ten (10) feet beyond the setback line set for buildings along the street considered to be the side street to the corner lot.

**Accessory Structures** - Shall have the following minimum space to the lot lines and all other structures on the lot:

Rear depth – 5 feet  
Side width – 5 feet

Minimum lot area and lot width served by sanitary sewer:

Lot area - 6,000 square feet  
Lot width - 50 feet

Minimum lot area and lot width NOT served by sanitary sewer shall provide certification of Health Department approval and meet the following minimum dimensions

Lot area - 12,000 square feet  
Lot width - 100 feet

All commercial buildings on lots adjacent to a residential zone shall have be required to create a screening buffer of ten (10) feet in addition to the side yard requirement of an R-2 district where there is an abrupt change between normally incompatible uses.

All buildings lofted on corner lots shall be lofted so as to conform to corner lot side yard requirements of the adjacent residential district.

**Height** - All buildings shall meet height requirements of the adjacent residential district. Installation essential to the business operation shall be set back from the street or alley so that any service rendered by the business will not obstruct a public way. No building shall exceed two (2) stories or thirty (30) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction



thereof, of additional height over thirty (30) feet. In no case shall the height exceed fifty (50) feet.

## **8.2. General Business District (B-2)**

Within the general business districts the following regulations shall apply:

### **8.2.1 Uses permitted**

- a) Single family dwellings (SFD)
- b) Home Occupations (as defined in Article 2)
- c) Essential Utility Services
- d) Banks
- e) Barber & Beauty shops
- f) Medical clinics
- g) Assisted living centers
- h) Nursing homes
- i) Drug store
- j) Dry cleaners & Launderette (self-service)
- k) Gas stations
- l) Fruit market
- m) Funeral homes
- n) Grocery store
- o) Hardware store
- p) Offices
- q) Restaurants
- r) Offices not specifically permitted above including stores and shops for special or custom work or for the manufacture of articles, the major portion of which are to be sold on the premises
- s) Any retail business or retail service, including the making of articles to be sold at retail on the premises. Any such manufacturing or professing shall be incidental to a retail business or service and not more than ten (10) persons shall be employed in such manufacturing.
- t) Places of amusement
- u) Places of assembly
- v) Offices
- w) Hotels, motels,
- x) Public garages and other motor vehicle service.
- y) Adult Retail
- z) Other similar retail businesses.

### **8.2.2 Uses Prohibited**

Any business which is primarily of a wholesale, storage, or warehousing nature.

Animal hospital, dairy, bottling works, dry cleaning plants, electrical welding, live animal or poultry sales, gasoline, petroleum products plant, laundry or bakery employing more than five (5) persons and any similar uses which in the opinion of the board of zoning adjustment would be detrimental to the development of this district as a retail shopping area.

### **8.2.3 Required lot area and yard area**

All buildings intended for residential use, in whole or in part, shall comply with the area and yard requirements of an R-2 district as shown below:

**Front, Side and Rear Yard Setbacks** - All buildings, except townhouse units shall have the following minimum yard space:

Front Yard Setback	25 feet
Rear Yard Setback	20 feet
Side Yard Setback	8 feet

**Yard requirements for corner lots** - The side yard requirements for all buildings on corner lots shall be such that no corner lot buildings extend toward the side street more than ten (10) feet beyond the setback line set for buildings along the street considered to be the side street to the corner lot.

**Accessory Structures** - Shall have the following minimum space to the lot lines and all other structures on the lot:

Rear depth – 5 feet  
Side width – 5 feet

Minimum lot area and lot width served by sanitary sewer:

Lot area - 6,000 square feet  
Lot width - 50 feet

Minimum lot area and lot width NOT served by sanitary sewer:

Lot area - 12,000 square feet  
Lot width - 100 feet

All commercial buildings on lots adjacent to a residential zone shall have be required to create a screening buffer of ten (10) feet in addition to the side yard requirement of an R-2 district where there is an abrupt change between normally incompatible uses.

All buildings on corner lots shall be lofted so as to conform to corner lot side yard requirements of residential districts.

Height - No building shall exceed two (2) stories or thirty (30) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty (30) feet. In no case shall the height exceed fifty (50) feet.

### **8.3. Central Business district (B-3)**

#### **8.3.1 Uses permitted**

- a) Single family dwellings (SFD)
- b) Home Occupations (as defined in Article 2)
- c) Essential Utility Services
- d) Banks
- e) Barber & Beauty shops
- f) Medical clinics
- g) Drug store
- h) Dry cleaners & Launderette (self-service)
- i) Gas stations
- j) Fruit market
- k) Funeral homes
- l) Grocery store
- m) Hardware store
- n) Offices
- o) Restaurants
- p) Offices not specifically permitted above including stores and shops for special or custom work or for the manufacture of articles, the major portion of which are to be sold on the premises
- q) Any retail business or retail service, including the making of articles to be sold at retail on the premises. Any such manufacturing or professing shall be incidental to a retail business or service and not more than ten (10) persons shall be employed in such manufacturing.
- r) Places of amusement
- s) Places of assembly
- t) Offices
- u) Hotels, motels,
- v) Public garages and other motor vehicle service.
- w) Other similar retail businesses.

#### **8.3.2 Uses prohibited**

Any business which is primarily of a wholesale, storage, or warehousing nature.  
Adult Retail

Animal hospital, dairy, bottling works, dry cleaning plants, electrical welding, live animal or poultry sales, gasoline, petroleum products plant, laundry or bakery employing more

than five (5) persons and any similar uses which in the opinion of the board of zoning adjustment would be detrimental to the development of this district as a retail shopping area.

### **8.3.3 Required lot area and yard area**

All buildings intended for residential use in whole or in part shall comply with the area and yard requirements of an R-2 district as shown below:

**Front, Side and Rear Yard Setbacks** - All residential structures, except townhouse units shall have the following minimum yard space:

Front Yard Setback	25 feet
Rear Yard Setback	20 feet
Side Yard Setback	8 feet

All commercial structures in the downtown central business district (B-3) may utilize zero lot lines for setbacks of the principal structure.

**Yard requirements for corner lots** - The side yard requirements for all buildings on corner lots shall be such that no corner lot buildings extend toward the side street more than ten (10) feet beyond the setback line set for buildings along the street considered to be the side street to the corner lot.

**Accessory Structures** - Shall have the following minimum space to the lot lines and all other structures on the lot:

Rear depth –	5 feet
Side width –	5 feet

Minimum lot area and lot width served by sanitary sewer:

Lot area -	6,000 square feet
Lot width -	50 feet

Minimum lot area and lot width NOT served by sanitary sewer:

Lot area -	12,000 square feet
Lot width -	100 feet

All buildings on lots adjacent to a residential zone shall be lofted as to conform on the adjacent side with the side yard requirements for residential districts.

**Height** - No building shall exceed four (4) stories or fifty (50) feet in height.

## **Article 9 - Planned Unit Development Projects & Site Plans**

A planned-development project (also known as a site plan) may be allowed in those zoning districts where it is designated as a permitted use under the zoning district regulations. (A minimum of three acres is required for a multi structure planned unit development project). A planned-development project may depart from literal conformance with individual lot dimension and area regulations. A planned development project may be under single or divided ownership. All planned-development projects & site plans shall be subject to the following regulations:

### **9.1 Procedure**

When a planned-development project or site plan is proposed, the procedure for subdivision approval as set forth in the subdivision regulations shall be followed in its entirety even though the ownership of land may not be divided. A final plat and Development Plan or Site Plan, both approved by the planning commission, shall be required for every project. The planning commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved development or site plan. Zoning permits and certificates of occupancy shall be required for each building according to Article 4 of this zoning ordinance.

### **9.2 Uses and densities**

The uses of premises and development densities in a planned development project shall conform to the permitted uses and densities of the zoning district in which it is located.

### **9.3 Standards**

In any planned-development project, although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no diminution of total-equivalent-lot-area, parking area; and loading/unloading area requirement that would be necessary for the equivalent amount of individual lot development with one exception; the planning commission may allow reductions in these requirements if the developer can satisfactorily prove that large scale development may permit such reductions without destroying the intent of these regulations.

### **9.4 Special conditions**

The planning commission may attach reasonable special conditions to insure that there shall be no departure from the intent of this zoning ordinance. The planned-development project shall conform to all such conditions. Because a planned development project is inherently more complex than individual lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible. The planning commission may

attach special conditions based on all of the following standards in addition to imposing the standards for total area, parking area, and loading and unloading area, etc. The planning commission may also attach any other reasonable special conditions.

It is desirable that access points to all arterial streets shall be located no more frequently than one every eighth to quarter mile. The planning commission may approve the platting of temporary access points in conformance with the subdivision regulations.

Wherever there is an abrupt change in uses - e.g., residential to commercial - it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects of the other.

All Planned Unit Developments and Site Plans are subject to the exterior lighting standards as set forth in Article 16 of this zoning ordinance.

## **Article 10 - Provisions Governing Industrial Districts**

### **10.1 Light industrial districts (I-1)**

Within the light industrial districts, the following regulations shall apply:

#### **10.1.1 Uses permitted by Right**

Wholesaling  
Storage  
Warehousing  
Bottling works  
Building material yard  
Cabinet making  
Carpenter's shop  
Clothing manufacture  
Dairy & Milk distribution station  
Ice plants  
Laundry  
Trucking terminals  
Recycling Facilities

#### **10.1.2 Uses permitted by Condition**

Gasoline, oil or alcohol storage above ground in excess of five hundred (500) gallons

Other industrial uses not listed above shall be considered conditional uses and will require written approval of the Board of Adjustments & Appeals. The board shall grant such approval if it determines that the proposed uses will not constitute a fire hazard or emit smoke, noise, odor or dust which would be obnoxious or detrimental to neighboring properties.

#### **10.1.3 Uses prohibited**

Stockyards and slaughter houses; automobile salvage and wrecking establishments; and junk, scrap paper and rag storage and baling establishments.

#### **10.1.4 Dimensional Requirements**

**Height** - No building shall exceed fifty (50) feet.

**Front, Side & Rear Setbacks** – All buildings shall have the following minimum setbacks from the respective property lines:

Front Setback	50 feet
Rear Setback	30 feet
Side Setback	10 feet

On lots adjacent to a residential district all buildings shall be so lofted so as to provide a minimum yard of twenty-five (25) feet on the side adjacent to the residential district.

## **10.2 Heavy industrial districts (I-2)**

Within the heavy industrial districts, the following regulations shall apply:

### **10.2.1 Uses permitted by Right**

Any use permitted in general industrial districts

### **10.2.2 Uses permitted by Condition**

Any industrial use not in conflict with other applicable laws or regulations; however, the following uses shall be considered conditional uses and will require the written approval of the Board of Adjustment and Appeals; abrasives, acids, rock crushing, asbestos, brick, disinfectants, insecticides, animal slaughtering, poisons, dyes, fertilizers, stock yards, glass fibers, grain drying, nitrates, explosives, tar or asphalt roofing, tire manufacturing, asphalt mixing plants, read-mix concrete, boiler and structural steel, iron storage, sorting, collecting or baling shops, automotive assembling, rebuilding, reconditioning and junkyards, paper, scrap or waste storage, sorting, collecting or baling, utility power plants, or any other use which would emit detrimental or obnoxious noise, odors, or vibrations beyond the confines of its property. The Board of Adjustment and Appeals may grant such approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the Heavy Industrial District in which it would be located.

### **10.2.2 Uses prohibited**

Single Family Dwellings  
Duplexes  
Multifamily Structures  
Stockyards and slaughter houses  
Automobile salvage and wrecking establishments  
Junk, scrap paper and rag storage and baling establishments.

### **10.2.3 Dimensional Requirements**

**Height** - No building shall exceed fifty (50) feet.



**Front, Side & Rear Setbacks** – All buildings shall have the following minimum setbacks from the respective property lines:

Front Setback	50 feet
Rear Setback	30 feet
Side Setback	30 feet

On lots adjacent to a residential district all buildings shall be so lofted so as to provide a minimum yard of fifty (50) feet on the side adjacent to the residential district.

## **Article 11 - Retail & Commercial Service Buildings in Excess of 20,000 Square Feet**

### ***11.1 Retail and Commercial Service Buildings in excess of 20,000 square feet***

The following requirements are applicable to all new retail and commercial service buildings in excess of twenty thousand (20,000) gross square feet. All additions to existing retail and commercial service buildings built either before or after the adoption of this Ordinance, which bring the total building size to over twenty thousand (20,000) gross square feet shall also be required to comply with the provisions of this article. The following standards are intended to ensure that large retail and commercial service buildings are properly located. They are also intended to ensure that such buildings are compatible with the surrounding area and the overall community character of the city.

### ***11.2 Compatibility with City Plans***

The applicant shall provide, through a written Compatibility Report submitted with Site Plan Application for the subject property, adequate evidence that the proposed building and overall development project shall be compatible with the City's Comprehensive Plan. The Compatibility Report shall specifically address the following items:

1. A description of how the proposed development is compatible with adopted City Plans, including the Comprehensive Plan, Detailed Neighborhood Plans, and other plans officially adopted by the City;
2. A completed Large Development Questionnaire form;
3. For development totaling over 40,000 square feet of gross floor area, a completed Transportation and Traffic Impact Analysis in a format acceptable to the Kentucky Transportation Cabinet, District 7;
4. A detailed economic and fiscal impact analysis: Prior to development approval of developments over 40,000 square feet, the applicant shall provide adequate funding to the City to hire a consultant of their choice with appropriate experience to complete and present an Economic and Fiscal Impact Analysis. The impact statement shall include the following elements:
  - 1.) Identification and assessment of the impacts of proposed project, including positive, negative, and indirect impacts.
  - 2.) Proposed measures to mitigate adverse impacts and/or maximize positive impacts including provision of infrastructure or public services improvements sufficient to support the project. Any adverse impacts that cannot be mitigated shall be identified. Mitigation measures to be implemented by the applicant shall be identified.
  - 3.) The impact statement shall assess the following areas of potential impact as addressed:
    - a. types of jobs created

- b. number of full-time (40 hrs/wk) and part time (less than 40 hrs/wk) jobs created
- c. Estimate the amount of local labor to be used in the construction of the project and in employment. Local is defined as city or county residents or businesses.
- d. Evaluate the market and financial feasibility of the project. Include a Trade Area analysis indicating the market proposed for the project and the area from which patrons will be attracted, and any plans for phased construction. Include any further market studies prepared for the project by the applicant.
- e. Evaluate if the proposed project creates an over-supply of retail space in the City of Harrodsburg, i.e. more than one acre of commercial land for every 150 residents.
- f. Evaluate the impact of the proposed project on commercial vacancy rates in the City of Harrodsburg and nearby sites.
- g. Estimate to what extent the proposed project would reduce the diversity of the city's economic base by eliminating smaller businesses.
- h. Compare and evaluate the projected costs and benefits to the community resulting from the project including:
  - i) Projected costs arising from increased demand for and required improvements to public services and infrastructure,
  - ii) Value of improvements to public services and infrastructure to be provided by the project,
  - iii) Projected tax revenues to the City of Harrodsburg to be generated by the project,
  - iv) Projected impact of the project on land values (both residential and commercial) and potential loss or increase in tax revenues to the City of Harrodsburg,
  - v) Short-term and long term projection of increased revenues to the City of Harrodsburg, and costs resulting from the proposed project,
  - vi) Estimate the difference between how much of the revenue generated by the proposed project will be retained and re-directed back into the economy of the City of Harrodsburg compared to other chain stores and locally-owned, independent retailers in the City of Harrodsburg.
  - vii) Estimate to what extent the proposed project would preclude higher value development on the site.
  - viii) Projected lifespan of building.
  - ix) Provide the written policies on corporate giving and volunteer participation in the community.

### **11.3 Building Location**

Where buildings are proposed to be distant from a public street, as determined by the Planning Commission, the overall development design shall include smaller buildings on out parcels or out lots closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas, and neighborhoods, and must forward community character objectives as described in the City's Comprehensive Plan.

### **11.4 Building Materials**

Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, and stucco shall be used, as determined appropriate by the Planning Commission. Exterior Insulation & Finish Systems (EIFS) shall not be considered and are prohibited. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.

### **11.5 Building Design**

The building exterior shall complement other buildings in the vicinity, and shall be of a design determined appropriate by the Plan Commission:

- a. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building.
- b. A minimum of twenty (20) percent of the structure's façades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least six feet. No uninterrupted façade shall extend more than 100 feet.
- c. A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six (6) feet or more as measured eave to eave or parapet to parapet.
- d. Roofs with particular slopes may be required by the Planning Commission to complement existing buildings or otherwise establish a particular aesthetic objective.
- e. Ground floor facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than fifty (50) percent of their horizontal length. The integration of windows into building design is encouraged and when installed, shall be transparent, clear glass (not tinted) between three (3) to eight (8) feet above the walkway along any façades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity.
- f. Building facades shall include a repeating pattern that includes no less than three (3) of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv) expression of architectural or structural bay

through a change in plane no less than twenty four (24) inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

### ***11.6 Building Entrances***

Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance that shall conform to the above requirements.

### ***11.7 Building Color***

Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants.

### ***11.8 Screening***

- a. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.
- b. All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs so as to not be visible from public streets adjacent or within one thousand (1,000) feet of the subject property. Fences or similar rooftop screening devices may not be used to meet this requirement.
- c. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above.
- d. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire mesh or wood fencing is unacceptable. Decorative, heavy duty wood gates may be used.

### **11.9 Traffic Impact**

All projects shall have direct access to an arterial street, or to a collector level street deemed appropriate by the Planning Commission. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks.

The site design shall provide direct connections to adjacent land uses if required by the City. Prior to development approval of developments over 40,000 square feet, the applicant shall provide adequate funding to the Commission to hire a traffic engineer of the Commissions choice to complete and present a Traffic Impact Analysis following Kentucky Department of Transportation District Seven guidelines. The Traffic Impact Analysis shall consider the parking lot 100% full for level of service analysis. Where the project will cause off-site public roads, intersections, or interchanges to function below Level of Service C, as defined by the Institute of Transportation Engineers, the Planning Commission may deny the application, require a size reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.

### **11.10 Parking**

- a. Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required in Article 12 shall be allowed only with specific and reasonable justification
- b. Parking lot design shall employ interior, curbed landscaped islands at all parking aisle ends. In addition, the project shall provide landscaped islands within each parking aisle spaced at intervals no greater than one island per every thirty (30) spaces in that aisle. Islands at the ends of aisles shall count toward meeting this requirement. Each required landscaped island shall be a minimum of three hundred sixty (360) square feet in landscaped area.
- c. Landscaped and curbed medians, a minimum of ten (10) feet in width from back-of-curb to back-of-curb, shall be used to create distinct parking areas of no more than 120 parking stalls.

### **11.11 Bicycle and Pedestrian Facilities**

- a. The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties.
- b. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be ten (10) feet; and the minimum width for sidewalks elsewhere in the development shall be five (5) feet.
- c. Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least fifty (50) percent of their length. Such landscape shall match the landscaping used for the street frontages.

- d. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, pavement color, pavement textures, and signage.
- e. The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every one hundred (100) vehicle parking spaces.
- f. The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 20,000 square feet of gross floor area.
- g. The development shall provide interior pedestrian furniture in appropriate locations at a minimum rate of one (1) bench seat for every 10,000 square feet of gross floor area. Seating in food service areas, or other areas where food or merchandise purchasing activities occur shall not count toward this requirement. A minimum of four (4) seats shall be located within the store, with a clear view through exit doors to a passenger pick-up or drop-off area.

### ***11.12 Central Areas and Features***

Each development exceeding eighty thousand (80,000) square feet in total gross floor area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project.

### ***11.13 Cart Returns***

A minimum of one (1) two hundred (200) square foot cart return area shall be provided for every one hundred (100) parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within twenty-five (25) feet of the building.

### ***11.14 Outdoor Display Areas***

Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet. Display areas on building aprons must maintain a minimum walkway width of ten (10) feet between the display items and any vehicle drives.

### **11.15 Outdoor Storage Uses and Areas**

Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan, such outdoor storage uses and areas shall be appropriately screened as required by Section 11.8.a.

### **11.16 Landscaping**

On-site landscaping shall be provided at time of building occupancy and maintained per following landscaping requirements:

- 11.16.1. Landscaping plan shall be submitted to the Planning Commission for approval, as part of the site plan. Building foundation landscaping is required for all building frontages in order to provide visual breaks in the mass of the building. Such foundation landscaping shall be placed along thirty (30) percent of the building's total perimeter, predominately near and along customer facades and entrances facing public streets.
- 11.16.2. One (1) ornamental tree with a minimum 1.5" caliper or one (1) minimum 6-foot tall tree ("whips" not permitted), and four (4) shrubs at a minimum height of 18" tall shall be planted for every 10 linear feet of building foundation planter area. Appropriate trees and shrubs include crabapple, birch, cherry, hawthorne, service berry, arborvitae, dogwood, lilac, viburnum, cotoneaster, forsythia, hazelnut, barberry, spirea, juniper, yew, or similar species and varieties approved by the Commission.
- 11.16.3. One (1) street tree at a minimum of 1.5" caliper shall be planted at fifty (50) feet centers along, and within ten (10) feet of, all public and private streets and drives, including parking lot connections and circulation drives, and loading areas. Such tree plantings shall be planted in tree wells along the circulation drives adjacent to the sides of the store that face a public or private street, along both sides of internal drives, and along the outside edge of loading areas. Appropriate trees include sugar maple, pin oak, ginkgo, or similar species and varieties approved by the Commission.
- 11.16.4. One (1) shade tree at a minimum of 1.5" caliper shall be planted on each parking lot peninsula and island. Appropriate trees include honey locust, green or white ash, linden, sugar maple, red maple, or similar species and varieties approved by the Commission.
- 11.16.5. All landscaped areas shall be at least ten (10) feet wide in their smallest dimension, except that tree wells may be a minimum of thirty-six (36) square feet.
- 11.16.6. For development exceeding forty thousand (40,000) square feet in total gross floor area, and where the subject property abuts an area zoned or planned for residential, institutional, or office use, a minimum six (6) foot high berm shall be provided. The berm shall be planted with a double row



of white, green or blue spruce plantings, or similar species and varieties approved by the Commission, spaced fifteen (15) feet on center.

### ***11.17 Lighting***

On-site exterior lighting shall meet all the following standards as set forth in Article 17 of this ordinance.

### ***11.18 Signage***

The plan for exterior signage shall provide for modest, coordinated, and complimentary exterior sign locations, configurations, and color throughout the development, including out parcels. All freestanding signage within the development shall complement wall-mounted signage. Monument style ground signs are required, and shall not exceed a height of eight (8) feet. Consolidated signs for multiple users shall be required instead of multiple individual signs, in which case Marquee signs shall be required in the event the proposed site plan shows the possibility of multiple simultaneous occupants. The use of logos, slogans, symbols, patterns, striping and other markings, and colors associated with a franchise or chain is permitted, and shall be considered as contributing to the number and area of permitted signs.

### ***11.19 Noise***

Noise associated with activities at the site shall not create a nuisance to nearby properties, and shall comply with applicable City noise requirements.

### ***11.20 Natural Resources Protection***

Each project shall meet the Storm Water Management Standards and Erosion Control measures as set forth in the subdivision regulations. In addition, post development runoff rates shall not exceed pre-development rates. In general, existing natural features shall be integrated into the site design as a site and community amenity. Maintenance of any storm water detention or conveyance features are solely borne by the developer/owner unless dedicated and accepted by the City.

### ***11.21 Policy on Vacating of Existing Sites***

Where such a building is proposed as a replacement location for a business already located within the City, the Planning Commission shall prohibit any privately imposed limits on the type or reuse of the previously occupied building through conditions of sale or lease.

### ***11.22 Outparcels***

All buildings on outparcels shall be of architectural quality comparable to the primary structure as determined by the Planning Commission.

## **Article 12 - Manufactured Housing, Mobile Homes & Mobile Home Communities**

Manufactured homes and manufactured duplexes may be placed on a lot, in a zoning district which permits residential use, in accordance with applicable zoning requirements and provided that the standards of this section are met.

### ***12.1 Basic Standards for all Manufactured Homes***

The following are basic standards for all manufactured homes and manufactured homes located within:

- a. A manufactured home community;
- b. A subdivision of factory built homes;

The following standards are applicable to all manufactured housing sited within this jurisdiction and additionally are deemed adequate for all manufactured homes sited in subdivisions of factory built homes or manufactured home communities.

Manufactured homes shall be installed in accordance with the state standards set forth in KRS 227.570 and placed on a permanent foundation system.

Site Preparation and Installation Minimum Requirements (815 KAR 25:090) shall be met by an installer meeting Requirements for Certifying Manufactured Home Installers (815 KAR 25:080). These regulations are enforced by the Office of the State Fire Marshal and shall not be replicated in this ordinance.

Each section of a manufactured home shall be inspected for the correct federal or State seal. In the case of manufactured homes, the HUD seal must be identified, as well as any State seal. Confirmation of the seals insures proper inspection and use of the unit. Previously owned (used) manufactured homes (built to HUD code) must qualify for a B-1 seal issued by the Kentucky Department of Housing, Buildings and Construction, State Fire Marshal's Office, and may be permitted only in special manufactured home districts.

In 815 KAR 25:050, a B1 seal means the unit has been inspected and found to be in compliance with applicable standards for human habitation. A B2 seal means the unit:

- a. Has been inspected and found not to be in compliance with applicable codes;
- b. Is a salvage unit unfit for human habitation; and
- c. Shall be sold only for the purpose of use as a storage or utility building.

If a perimeter foundation or curtain wall is not used, an exterior covering material extending from the bottom of the home to the ground or to the top of the foundation shall be used. This skirting material shall harmonize with the architectural style of the home.

## ***12.2 Additional Standards for Qualified Manufactured Homes***

The following standards apply only to manufactured homes:

- a. In infill neighborhoods where the existing or permitted density is such that adjacent homes are located within 1/8 mile of the proposed manufactured home;
- b. That are not located in a manufactured home community;
- c. That are not located in a subdivision of factory built homes;

The compatibility standards for qualified manufactured homes relate to architectural features that have a significant impact on the overall assessed value of the structure. This ensures that when a qualified manufactured home is placed in a residential zone it is compatible, in terms of assessed value, with existing housing located within a one eighth (1/8) mile (660 feet) or less radius from the proposed location of the qualified manufactured home.

- a. Is manufactured on or after July 15, 2002;
- b. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- c. Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
- d. Has a minimum total living area of nine hundred (900) square feet; and
- e. Is not located in a manufactured home land-lease community.

## ***12.3 Other Protections***

Nothing in this section shall be construed to affect, modify, or abolish restrictions contained in recorded deeds, covenants, or developers' subdivision restrictions or limit in any way the authority of adopted regulations designed to protect historic properties or historic districts.

NOTE: A travel trailer or recreational vehicle is not considered as a mobile-home.

## ***12.4 Planning Commission Discretion***

The Planning Commission may approve manufactured housing that does not conform to one or more of the standards listed in subsection 11.2, above, if the Commission finds that the proposed housing:

- a. Is compatible with existing housing within a 1/8th mile radius (or the block face of the proposed lot and the block face across the street for a distance not to exceed 400 feet);

- b. Complies with the development standards of the applicable zoning district; and
- c. Supports fulfillment of a goal of the Comprehensive Plan.

### ***12.5 Development Standards***

With the exception of manufactured homes in manufactured home communities, (development standards for manufactured home communities are provided for in HB417, as enforced by the Cabinet for Health Services), manufactured homes shall be subject to the same site development standards, such as building setbacks, height, lot coverage, etc. that apply to site built dwelling units.

Development standards for manufactured homes within manufactured home communities shall conform to the site development regulations prescribed in the HB417, an Act relating to manufactured home, mobile home, and recreational vehicle communities. With regard to manufactured home communities, permitted use and zoning district regulations shall apply to the overall siting of the community. If other residential developments are required to have transitional buffer yards or landscaping between them and adjacent land uses or roadways, the same may be required of manufactured home communities.

Accessory structures for factory built homes, with the exception of manufactured homes in manufactured home communities, (development standards for manufactured home communities are provided for in HB417 as enforced by the Cabinet for Health Services) shall be regulated with the same siting and development standards as those for site built residential uses in the same zoning district.

### ***12.6 Permits and Inspections***

As building permits and certificates of occupancy are required for single-family residential dwellings, then the same shall be required for factory-built homes.

Manufactured housing shall be permitted in cooperative and condominium ownership in the same manner as site built units.

Manufactured homes shall be installed in accordance with the state standards set forth in KRS 227.570 and placed on a permanent foundation system. Site Preparation and Installation Minimum Requirements (815 KAR 25:090) shall be met by an installer meeting Requirements for Certifying Manufactured Home Installers (815 KAR 25:080). These regulations are enforced by the Office of the State Fire Marshal and shall not be replicated in this ordinance.

Each section of a manufactured home shall be inspected for the correct federal or State seal. In the case of manufactured homes, the HUD seal must be identified, as well as any State seal. Confirmation of the seals insures proper inspection and use of the unit.

Previously owned (used) manufactured homes (built to HUD code) must qualify for a B-1 seal issued by the Kentucky Department of Housing, Buildings and Construction, State Fire Marshal's Office, and may be permitted only in manufactured home land-lease communities.

In 815 KAR 25:050, a B1 seal means:

The unit has been inspected and found to be in compliance with applicable standards for human habitation.

A B2 seal means the unit:

- a. Has been inspected and found not to be in compliance with applicable codes;
- b. Is a salvage unit unfit for human habitation; and
- c. Shall be sold only for the purpose of use as a storage or utility building.

Other inspections at the local jurisdiction level are limited to the placement, foundation and other onsite improvements such as porches, basements and other added structures which shall be constructed in accordance with the Kentucky Residential Code.

## ***12.7 Regulation of Non-conformities***

**12.7.1. Non-conforming Land Uses** - Regulations in 902 KAR 15:010. Mobile Homes, address manufactured home communities built prior to the enactment of the current regulations. They ensure that the continued ability to obtain a valid operating permit is predicated on the community's ability to operate in a safe and sanitary manner that will not present a public health nuisance.

**12.7.2. Non-conforming Structures** - In most cases the non-conforming aspect of existing factory built housing will be the fact that the unit is a mobile home (built prior to the HUD Code, see definitions) rather than a manufactured home. Non conforming structures should be regulated on the basis of the federal HUD seal and the (815 KAR 25:050) Section 1(5): "B seal" or "Class B seal" is defined at KRS 227.550(3), and includes the following:

- (a) "B1 seal" means the unit has been inspected and found to be in compliance with applicable standards for human habitation.
- (b) "B2 seal" means the unit:
  - i. Has been inspected and found not to be in compliance with applicable codes;
  - ii. Is a salvage unit unfit for human habitation; and
  - iii. Shall be sold only for the purpose of use as a storage or utility building.

- 12.7.3.** Manufactured homes to which a B-2 (salvage) seal is applied are not permitted as a residential dwelling for human occupation.

For homes within a manufactured home community with a valid operating permit, 902 KAR 15:010. Mobile Homes, regulates the replacement of homes.

## ***12.8 Mobile Home Communities***

**12.8.1. Mobile homes permitted:** All future mobile homes shall be permitted only in mobile home parks, which shall be permitted only in R-2 districts.

**12.8.2. Area and density requirements:** No mobile home community shall be permitted on an area of less than two and one-half (2 1/2) acres in size, although the developer shall be permitted to develop the park in stages as long as he complies with an overall plan approved by the planning commission for the entire tract. The number of mobile homes permitted in the mobile homes park shall not exceed a density of eighteen (8) mobile homes per net acre - a net acre being the land to be subdivided into lots after streets and other required improvements have been installed.

**12.8.3. Lot requirements:** Individual lots within a mobile home park shall not be less than twenty-four (2,400) square feet in area, and in no instance shall more than one (1) mobile home be permitted on a single lot. The minimum lot width shall be forty (40) feet.

**12.8.4. Setback:** No mobile home or accessory building or structure shall be lofted closer to any street than the minimum front yard setback for permanent residential structures along said street. Where the mobile home park is not bounded by a dedicated street, the minimum setback shall be thirty (30) feet.

**12.8.5. Spacing:** No mobile home shall be lofted within thirty (30) feet from another mobile home, except that a minimum end-to-end clearance of not less than ten (10) feet shall be permitted, and in instances where the sides opposite the entrance of two (2) mobile homes face each other, the amount of space between the two mobile homes may be reduced to not less than twenty (20) feet.

**12.8.6. Utilities:** All lots within the mobile homes park shall be provided with sewer, water, and electrical facilities meeting the standards specified by city and state regulations, and each mobile home shall be properly connected with said utilities.

**12.8.7. Accessory structures:** No accessory structures or buildings, including patios, shall be lofted within five (5) feet from any individual lot line.

**12.8.8. Procedure:** Although mobile home parks are permitted in R-2 districts, the prospective developer, before attempting to obtain a building permit or beginning any construction, shall prepare a plan showing the lot dimensions and bearings of the parcel he intends to develop, location with respect to the city, general layout or design he intends to follow and improvements he expects to install on the land. The developer shall then meet with the planning commission, the purpose being to inform the developer of any plans the city may have that would affect his/her plan to ensure that the developer's plans are not in conflict with the city's future land use plan. This meeting would also form a common ground whereby the planning commission and the prospective developer could reach an understanding of the types of improvements necessary.

Before approving the development plan, the planning commission may make other conditional requirements pertaining to such things as landscaping, screening, and road requirements. These conditional requirements shall be considered as a part of the city's zoning ordinance, and failure to comply therewith shall be subject to the penalties contained therein.

**12.8.9. Non-conforming mobile homes and mobile home parks:** All mobile homes within the city which are non-conforming may continue in their present location as long as the mobile home remains stationary in its present location. If the mobile home is removed, the same mobile home, or another mobile home will not be allowed to return.

It is further provided that existing mobile home parks legally operating at the time of passage of this ordinance may continue to operate, but shall be required to maintain a lot size of two thousand four hundred (2,400) square feet per mobile home and comply with other provisions of this ordinance. Existing occupants will be allowed to remain so long as the mobile homes remain stationary in their present location. If the mobile home is removed from the non-conforming use, the same mobile home or another mobile home will not be allowed to return.

No future mobile home shall be permanently lofted outside of an approved park. However, future mobile homes may be temporarily lofted outside of an approved mobile home park if they comply with the provisions of the zoning ordinance for residences, but shall be required to relocate within an approved park within thirty (30) days after the establishment of such park. After an approved park is installed, this temporary provision shall cease.

**12.8.10 Conflict of ordinances:** All parts of any existing ordinance in conflict herewith are hereby repealed.

## **Article 13 - On & Off-Street Parking Requirements**

### ***13.1 Off-street automobile parking and storage***

Permanent off-street automobile storage, parking or standing space shall be provided as set forth below at the time of the erection of any building or structure, at the time any principal building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another. Such space shall be provided with vehicular access to a street or alley. This space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. No required front yard or portion thereof in any residential district shall be utilized to provide parking space required in this ordinance.

Off-street parking requirements shall not apply in the downtown central business district (B-3), but off-street parking shall be required whenever feasible.

### ***13.2 Off-street parking requirements for various structures and uses***

At least the following minimum parking space requirements for specific uses shall be provided:

**Bed & Breakfast Inns:** Two (2) spaces for the owner of the Bed & Breakfast and one (1) space for each room authorized to be utilized by the Board of Adjustments & Appeals.

**Bowling alleys, recreation centers, swimming pools, skating rinks and other recreation and amusement facilities:** One (1) parking space for every five (5) customers computed on the basis of maximum servicing capacity plus one (1) additional space for every two (2) persons regularly employed on the premises.

**Clubhouses and permanent meeting places of veterans, business, civic, fraternal, labor and similar organizations:** One (1) parking space for every fifty (50) square feet of aggregate floor area in the auditorium, assembly hall and dining room of such building plus one (1) additional space for every two (2) persons regularly employed on the premises.

**Funeral homes and undertaking establishments:** Parking or storage space for all vehicles used directly in the conduct of the business plus one (1) parking space for every two (2) persons regularly employed on the premises and one (1) space for every six (6) seats in the auditorium or chapel of such establishments. If the establishment does not have a chapel or auditorium, the additional parking to be required for funeral visitors shall be determined by the board of zoning adjustments based on the number of funerals that can be handled at one time, the size of the facilities and other relevant factors.



**Hospitals:** One (1) parking space for every two (2) beds intended for patients, excluding bassinets.

**Indoor retail businesses:** parking or storage space for all vehicles used directly in the conduct of such business plus four (4) parking spaces for the first one thousand (1,000) square feet of total floor area and one (1) additional space for every additional two hundred and fifty (250) square feet of floor area. Parking calculations shall be determined by the amount of retail square footage area within the structure. Areas used for storage and non public usage may reduce the total square footage for parking space requirements.

**Industrial plants and facilities:** Parking or storage space for all vehicles used directly in the conduct of such industrial use plus one (1) parking space for every three (3) employees on the premises at maximum employment on a single shift.

**Junior and senior high schools:** One (1) parking space for every five (5) seats occupied at maximum capacity in the assembly hall, auditorium, stadium, or gymnasium of greatest capacity on the school grounds or campus. If the school has no assembly hall, auditorium, stadium or gymnasium, one (1) parking space shall be provided for each person regularly employed at such school plus two (2) additional spaces for each classroom.

**Libraries, museums, post offices, civic centers and similar establishments:** Parking or storage space for all vehicles used directly in the operation of such establishment plus four (4) parking spaces for the first one thousand (1,000) square feet of total floor area and one (1) additional space for every additional two hundred and fifty (250) square feet of floor area.

**Medical and dental clinics:** Three (3) parking spaces for each doctor plus one (1) additional space for every two (2) regular employees.

**Mobile home parks:** Two (2) parking space for each mobile home used for dwelling or sleeping purposes.

**Nursing homes & assisted living centers:** One (1) parking space for every two (2) beds occupied at maximum capacity. This requirement is in addition to the parking space requirements for hospitals set forth above if in nursing home or assisted living center is located within the hospital.

**Outdoor retail businesses:** Parking or storage space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person employed on the premises based on maximum seasonal employment, and such additional space as may be required by the planning commission based on the nature of the business and other relevant factors.

**Professional Offices:** One (1) parking space for every two hundred (200) square feet of office space.

**Public and private elementary schools:** One (1) parking space for each person regularly employed at such school plus one (1) additional space for each classroom.

**Public garages:** Indoor or outdoor parking or storage space for all vehicles used directly in, the conduct of such business plus two (2) parking spaces for each person regularly employed on the premises.

**Repair shops, plumbing shops, electrical shops, roofing shops and other service establishments:** Parking or storage space for all vehicles used directly in the conduct of the business plus two (2) parking spaces for each person regularly employed on the premises.

**Residences and apartment houses:** Two (2) parking spaces for each dwelling unit or apartment.

**Restaurants and other eating and drinking establishments:** One (1) parking space for every two hundred fifty (250) square feet of dining floor area plus one (1) space for every two employees at the maximum employment for any single shift.

**Rooming and boarding houses:** One (1) parking space for each sleeping room occupied by roomers or boarders plus one (1) space for each dwelling unit on the premises and plus one (1) additional space for every two (2) persons regularly employed on the premises.

**Self-service laundries:** One (1) parking space for every two (2) washing machines.

**Service stations:** Parking or storage space for all vehicles used directly in the conduct of the business plus one (1) parking space for each gas pump, three (3) spaces for each grease rack or similar facility, and one (1) space for every two (2) persons employed on the premises at maximum employment on a single shift.

**Theaters, auditoriums, churches, stadiums and other places of public assembly:** One (1) parking space for every five (5) seats occupied at maximum capacity.

**Motels and hotels:** One (1) parking space for each sleeping room offered for tourist accommodation plus one (1) space for each dwelling unit on the premises and plus one (1) additional space for every two (2) persons regularly employed on the premises.

**Transportation terminals:** One (1) parking space for every one hundred (100) square feet of waiting room space plus one additional space for every two (2) persons regularly employed on the premises.

**Universities, colleges, academies, and similar institutions of higher learning:** One (1) parking space for every five (5) seats occupied at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity on the campus. If the institution has no assembly hall, auditorium, stadium or gymnasium, one (1) parking space shall be provided for each person regularly employed at such institution plus five (6) additional spaces for each classroom.

**Warehouses, freight terminals and trucking terminals:** Parking or storage space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person regularly employed on the premises.

**Wholesale businesses:** Parking or storage space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person employed on the premises based on maximum seasonal employment.

If the vehicle storage space or standing space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning adjustment may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

Vehicle parking or storage space maintained in connection with an existing and continuing principal building, structure or land use on the effective date of this ordinance or amendment thereto up to the number required by this ordinance shall be continued and may not be counted as serving a new building, structure, addition or land use; nor shall any required parking space be substituted for an off-street loading and unloading space, nor any required loading and unloading space substituted for a parking space.

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at night or on Sunday.

No off-street automobile parking or storage area shall be used or designed, arranged, or constructed to be used in a manner that will obstruct or interfere with the free use of any street, alley or adjoining property.

The parking spaces provided along with their necessary driveways and passageways shall be paved in a manner adequate to eliminate dust and mud problems. Plans for such parking spaces are to be included with the plans for construction of buildings and other structures and are to be presented to the building inspector at the time applications for building permits are filed. Such parking areas are to be kept free of obstructions and unsightly objects. Intersections of parking areas with sidewalks or:

street pavements must be made in an approved manner. Provision must be made for the adequate drainage of parking areas.

No commercial motor vehicle of more than one (1) ton capacity shall be parked or stored overnight either on or off the street in any residential district.

### ***13.3 Off-street loading and unloading space***

Every building or structure used for business, trade or industry shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, or if there is no alley to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. At least the following off street loading and unloading space requirements for specific uses shall be provided:

**Retail businesses and service establishments:** One (1) off-street loading and unloading space at least twelve (12) feet by thirty-five (35) feet for every five thousand (5,000) square feet of total floor area.

**Industrial plants:** One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every ten thousand (10,000) square feet of total floor area.

**Warehouses and wholesale storage facilities:** One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every seventy-five hundred (7,500) square feet of total floor area.

**Freight terminals and trucking terminals:** One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every five thousand (5,000) square feet of total floor area.

## **Article 14 - Signs**

### ***14.1 Intent***

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and/or county, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign and advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and curb the deterioration of the natural environment and enhance community development.

### ***14.2 General Sign Regulations***

All signs, unless otherwise specified in these regulations, shall be set back from the established right-of-way of any road or highway a minimum of five (5) feet from the front property line and no closer than three (3) feet from any side property line. Placement is determined by the closest portion of the sign to the setback minimum.

All signs of any type in any zone, other than real estate signs as provided for in this section and others specifically excluded, require a sign permit to be obtained from the Administrative Official prior to construction or installation. Installation of a permanent sign prior to the obtaining of the required sign permit shall constitute a violation of these regulations and shall be assessed a penalty of 100% of the scheduled permit fee in addition to the scheduled permit fee.

No sign or billboard, other than real estate signs advertising the sale, rental or leasing of the premises, shall be permitted in any residential zone. Said real estate signs shall not exceed four (4) square feet in area and shall be displayed at least five (5) feet from all lot lines. Real estate signs shall only be placed on lots which they advertise.

Advertising signs, structures, or lights for support and illumination of signs, where permitted, shall in no case be placed in or extend over the street right-of-way.

No signs (other than those erected by governmental agencies) may be erected in a public right of way or attached to any utility poles.

Flashing signs shall not be permitted in any zone, whether permanent or temporary, on or off premise. Flashing signs shall be defined as a sign, the illumination of which is not kept constant in intensity at all times when in use. Illuminated signs which indicate time, temperature, weather or similar public service information, shall not be considered flashing signs.

### **14.3 Exempt Signs**

The following signs are exempt from regulation under this section and are exempt from permitting:

- a. Signs not exceeding four (4) square feet that are normally associated with residential use, such as used those used for property identification, signs on mailboxes, signs related to private parking, trespassing, etc.
- b. Signs erected by or on behalf of or pursuant to the authorization of a government body, including legal authorization of a government body, which includes legal notices, and informational signs.
- c. Any official informational or directional sign or historic marker erected by a governmental agency.

### **14.4 Temporary Signs**

Temporary signs are signs which are placed, constructed or erected for a limited period of time. The following types of signs are considered temporary and may be erected under the provisions of this ordinance. Temporary signs do not require a permit from the Administrative Officer and under no circumstances shall they be permitted to remain for more than sixty (60) days.

1. Yard sale signs may be posted no earlier than seven (7) days prior to the start of the yard sale and must be removed no later than two (2) days following the final day of the yard sale. Under no circumstances shall yard sale signs be posted on utility poles.
2. Temporary signs not exceeding thirty-two (32) square feet in surface area, announcing or relating to a sales campaign, drive or event of a civic, philanthropic, educational or religious organization, or seasonal agricultural sales or events, provided the sign is posted no earlier than forty-five (45) days prior to the event and removed within seven (7) days after the end of the event or season.
3. Temporary signs relating to the future tenants of the premises where the sign is located. Total display period shall not exceed six (6) months prior to occupancy of the premises under construction.
4. Temporary signs that relate to construction work in progress or upcoming work on-site where the sign is to be located. This may include identification of persons or businesses involved in the development of the site. Display time for this sign type is sixty (60) days plus the construction period.

### ***14.5 Signs within Residential Districts***

Signs are permitted in residential zones only in accordance with the following provisions:

1. Temporary signs pertaining to the lease or sale of a building or land may be erected as provided in Section 14.2 of these regulations. Real Estate signs shall not be displayed on and/or over city or public property except by the appropriate public agency.
2. Temporary signs, for one (1) year, may be erected to advertise a new subdivision of five (5) or more lots, provided that the sign is no larger than sixty (60) square feet in area, is not internally illuminated, advertises only the subdivision in which it is located and is erected only at a dedicated street entrance.
3. One identifying sign of not more than thirty (30) square feet in area may be erected for churches, libraries, schools, parks, hospitals for human care, and other public facilities of a similar nature. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated or electronic, but shall not be flashing.
4. Directional signs, not exceeding two (2) square feet in area shall be permitted only on major thoroughfare approaches to institutions listed in three (3) above. No such signs shall be permitted on minor residential streets.
5. One (1) indirectly lighted name plate sign for a dwelling group of four (4) or more dwellings not exceeding six (6) square feet in area. Such signs may indicate only the names of buildings or of occupant of the buildings.
6. Accessory uses for professional offices or home occupations shall be permitted one (1) indirectly lighted name plate (sign) not over two (2) square feet in area.
7. One (1) indirectly illuminated sign which advertises a Bed & Breakfast establishment not exceeding twelve (12) square feet in size. Placement on premises shall be regulated by the Board of Adjustments and Appeals.

### ***14.6 Signs within Business Districts***

In all business districts, each business shall be permitted to have permanent outside signs. Signs permitted under this section shall be limited to those as described below:

1. Each business shall be entitled to have one (1) sign which is mounted flush against a building (wall-mount) for each building face that fronts a public street. The depth of such a sign from a face to the building shall not exceed two (2) feet. The area of such a flush mount sign shall be limited to a total surface area equivalent to two (2) square feet of sign area for each linear foot of building width occupied by such enterprise. In the event that the area shall exceed eighty (80) square feet, then a variance application must be made to and approved by the Board of Adjustments and Appeals.
2. Additionally, one (1) free-standing sign structure shall be permitted for each lot of one hundred (100) foot frontage or less and one (1) additional freestanding sign structure for each additional one hundred (100) feet of lot frontage on a separate road frontage. In the instance where multiple businesses cohabitate a site parcel

(as in a development plan), each business shall be entitled to free standing sign which shall be co-located upon a single pylon or marquee type sign and are limited to seventy two (72) square feet in size. Placement of the pylon or marquee sign shall be reviewed and approved by the Planning Commission during the development approval process. All such freestanding signs shall be set back five (5) feet, or more, from the front property line.

3. Free standing signs shall not exceed a height of twenty-five (25) feet.
4. No illuminated business signs within a business zone shall be located closer than thirty (30) feet to a residential zone.
5. Signs, awnings, marquees and outdoor advertising structures under the following conditions:
  - a. Such awnings shall extend no further than four and one-half (4 1/2) feet from the front of a building or to within one (1) foot of the curb of the street to which the awning fronts.
  - b. Awnings and marquees shall have a clearance of eight (8) feet above the sidewalk and shall not be supported from the sidewalk.

#### ***14.7 Signs within Industrial Districts***

1. All signs permitted in Business Districts are also permitted in Industrial Districts and subject to the requirements thereof.
2. One (1) sign structure for identification and direction purposes may be erected at access points to public streets provided that such signs are no larger than seventy two (72) square feet in area. Applicants who desire a sign larger than seventy two (72) square feet in area may obtain a permit with increase setbacks on a 2 to 1 ratio. For each two (2) square feet of signage in excess of the maximum, the setback shall be increased one (1) foot from the minimum five (5) feet setback requirement.
3. No illuminated business signs within an industrial zone shall be located closer than thirty (30) feet to a residential zone.

#### ***14.8 Prohibited Signs***

The regulations contained in this section apply to all zoning districts and include permanent and temporary signs:

1. Off-premise signs, including billboards
2. Any non governmental sign located within a right of way.
3. Signs which constitute a traffic hazard or which can be construed as a hindrance to public safety.
4. Signs which may be confused as traffic control devices or signs which imitate emergency or road equipment vehicles.
5. Signs which block or obstruct the sight distance of oncoming or turning vehicles.
6. Mobile or portable signs.
7. Flashing, blinking or intermittent lighted signs.
8. Any sign or banner that is attached to any utility pole or regulatory sign within a right of way.



### **14.9 Sign Maintenance**

1. Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the Zoning Administrator, the owner thereof, or the person or firm maintaining the same, shall upon written notice from the Zoning Administrator, in the case of immediate danger forthwith and in any case within fourteen (14) days, secure the same in a manner to be approved by the Zoning Administrator or remove such sign. If such order is not complied with within fourteen (14) days, the Zoning Administrator shall remove or cause removal of such sign at the expense of the owner or lessee thereof.
2. All signs for which a permit is required, together with all their supports, braces, guys, and anchors, shall be kept in good repair. The Zoning Administrator shall order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee.
3. Any sign now or hereafter existing which no longer advertises a bonafide business shall be taken down and removed by the owner, his agent, or person having the beneficial use of the building, structure, or lot. Upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause the removal of such sign, and any expense incidental thereto shall be paid by the owner of the building, structure, or lot to which the sign is attached. The Board of Zoning Adjustment may waive this requirement only for historic preservation purposes and when the owner can prove the need for the waiver to qualify for funding or tax credits.

### **14.10 Violations**

In any case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of these Regulations, the Enforcement or Administrative Official shall notify by registered mail or written notice served personally to the owner or lessee thereof to alter such sign as to comply with these Zoning Regulations and to secure the necessary permit, therefore, or to remove the sign. If such order is not complied with within fourteen (14) days, the Zoning Administrator shall remove such sign at the expense of the owner or lessee thereof.

## Article 15 - Board of Adjustments & Appeals

### ***15.1 Appointment and procedures***

A board of adjustment is hereby established, which shall consist of three (3), five (5), or seven (7) members, all of whom must be citizen members, and not more than two (2) of whom may be citizen members of the planning commission. Members shall be appointed by the mayor, subject to the approval of the city commission, each for a period of four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively. Members of the board of adjustment may be removed from office by the appropriate appointing authority for cause upon written charges and after public hearing. Vacancies shall be filled within sixty (60) days by the appropriate appointing authority. (Note: KRS 100.217)

### ***15.2 Powers***

The board of adjustment shall have the following powers:

1. **Administrative review** - The board of adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant or refusal made by the enforcement officer in the enforcement of the zoning regulation. Such appeal shall be taken within thirty (30) days. The board shall also make those interpretations and decisions specifically delegated to it by the provisions of the zoning ordinance.
2. **Nonconforming Uses** - The board shall have the power to decide whether any building or structure containing or being used as a nonconforming use damaged by fire, flood, wind or other act of God or man to the extent of sixty (60) percent or more of its fair sales value immediately prior to damage shall be repaired or reconstructed except in conformity with the provisions of this ordinance according to Article 5, section 5.2. The board may permit a change from one nonconforming use to another if the new nonconforming use is the same or is in a more restrictive classification.
3. **Conditional Use Permits** - The board shall have the power to hear and decide applications for conditional uses.
4. **Variances** - The board shall have the power to hear and decide on applications for variances. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.

### **15.3 Procedure for appeals**

An application to the board for an appeal from a decision of the enforcement officer or executive director shall be made in writing. An appeal must be filed within thirty (30) days after the executive director has refused a zoning/building permit or rendered an interpretation the right to appeal shall be waived. The executive director shall transmit to the board the complete record of the decision appealed. The board shall hold a public hearing at which all pertinent evidence concerning the interpretation, decision, or appeal shall be examined, and the board shall make its decision within two (2) weeks after the hearing. The following rules shall govern all decisions made by the board:

- 15.3.1. Limits of authority - The board shall act only within the strict limits of its authority as defined in the zoning ordinance. The board has no authority to vary the use regulations or other regulations not specifically delegated to it. The board shall not hold hearings on applications or appeals seeking decisions that the board is not authorized to make.
- 15.3.2. Special conditions - The board may attach special conditions to any decision it is authorized to make to ensure that the intent of the zoning ordinance will be carried out.
- 15.3.3. Majority vote required - The concurring vote of a majority of the entire membership of the board shall be necessary in making any decision. The chairman shall have the right to vote on any subject or matter before the board only in case of a tie vote in order to break the deadlock.
- 15.3.4. Additional powers - In exercising the above powers, the board shall have all the powers of the enforcement officer in addition to its other powers and duties.

### **15.4 Clarification of administrative jurisdictions**

The following is a recapitulation of the agencies with jurisdiction and the extent of their jurisdictions concerning the administration of the zoning ordinance.

- a. The Executive Director (administrative official) has initial authority for the literal enforcement of the zoning ordinance. He has no discretionary authority to allow any departure from the literal conformance with the zoning ordinance.
- b. The Board of Adjustments and Appeals has authority to hear appeals from decisions by the executive director and to make literal interpretations of the pertinent provisions to correct any possible misinterpretation by the executive director. The board also has the authority to make only those initial discretionary interpretations and decisions and allow only those departures from literal conformance which are specifically delegated to it. The board has authority to allow conditional uses.

- c. The Circuit Court has jurisdiction to determine all questions and issues properly brought before it on appeal from decisions of the board of zoning adjustment and appeals or the planning commission according to the Kentucky Revised Statutes section 100.347.
- d. The Planning Commission, in addition to its other primary responsibilities concerning adoption and amendment of the zoning ordinance and subdivision plat review and approval, has the authority and responsibility for approval or disapproval of planned- development projects, improvement plans, site plans. This responsibility - like subdivision plat review -involves guiding the initial conversion of open or agricultural land to developed land, including the proper arrangement of streets in relation to other existing or planned streets, provision of adequate open space, and the avoidance of congestion, etc., and is consequently equivalent to the planning commission's primary responsibility for subdivision plat review and approval.

### ***15.5 Conditional use regulations***

- 1. Conditional uses may be permitted in districts as designated under the zoning district regulations but only when specifically approved by the Board of Adjustments and Appeals in accordance with KRS 100.237. Subdivisions, when permitted, shall be subject to the respective regulations governing their approval. All other conditional uses shall be subject to the following regulations:
- 2. All districts: The following conditional uses only may be approved in all zoning districts:
  - i. Non local public utility and private transmission lines and pipes;
  - ii. Radio, T.V. and telephone transmission structures;
  - iii. Large utility structures and public service buildings;
  - iv. Expansion of railroads and appurtenances;
  - v. Government buildings and uses;
  - vi. Churches and libraries.
- 3. Specified districts: Other conditional uses may be approved only in those zoning districts where they are designated as conditional uses under the zoning district regulations.

Procedure: An applicant shall submit an application for a conditional use permit to the administrative official. The administrative official shall refer the application to the board of zoning adjustment. The board of zoning adjustment is authorized by KRS 100.237 to grant, modify, or deny a conditional use permit. Payment of a fee shall be required at the time of application. Other regulations for conditional use permits are as follows:

- 1. The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time

limitations, requirements that one (1) or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance and other ordinances and regulations of the City of Harrodsburg within the meaning of KRS 100.237.
3. In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one (1) year if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. "Exercised," as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, are completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
4. The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustment. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the board of adjustment finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

5. Once the board of adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.
6. When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, the mayor and city clerk of any city of the fifth or sixth class so affected within any county containing a city of the first class or a consolidated local government, an owner of every parcel of property adjoining the property to which the application applies, and such other persons as the local zoning ordinance, regulations, or board of adjustment bylaws shall direct. Written notice shall be by first-class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
7. When any property within the required notification area for a public hearing upon a conditional use permit application is located within an adjoining city, county, or planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first-class mail to certain public officials, as follows:
  - (a) If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or
  - (b) If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

## **15.6 Variances**

**15.6.1 Finding Necessary for granting variances** - Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

**15.6.2 Variance cannot contradict zoning regulations** - The board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter the density requirements in the zone in question.

**15.6.3 Variance runs with the land** - A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

## **Article 16 - Wireless Telecommunication Facilities**

### **16.1 Intent**

It is the intention of the City of Harrodsburg to promote and encourage the use of wireless telecommunications in accordance with KRS 100.985 through 100.987.

### **16.2 Definitions**

The following definitions shall apply to this article:

**Cellular antenna tower** - means a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services

**Cellular telecommunications service** - means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations

**Co-location** - means locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower

**Personal communication service** - has the meaning as defined in 47 U.S.C. sec. 332(c)

**Uniform application** - means an application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.9865 and 100.987

**Utility** - has the meaning as defined in KRS 278.010(3)

**Antennas or related equipment** - means transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

### **16.3 Prohibited actions of planning commission in regulating placement of cellular antenna towers.**

In regulating the placement of cellular antenna towers, a planning commission shall not:

1. Regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that these facilities comply with the regulations of the Federal Communications Commission concerning radio frequency emissions;
2. Institute a moratorium upon the siting of cellular antenna towers;
3. Charge an application fee that exceeds an amount that is reasonably related to expenses associated with processing an application to construct a cellular antenna tower, and to issue any necessary permits including any required



building permit, up to a maximum of two thousand five hundred dollars (\$2500). Application fee amounts shall not be raised after June 15, 2002;

4. Regulate the placement of antennas or related equipment on an existing structure; or
5. Require the submission of application materials in addition to those required by KRS 100.9865 and 100.987, unless agreed by both parties.

#### ***16.4 Procedure upon receipt of a uniform application***

After an applicant's submission of the uniform application to construct a cellular antenna tower, the planning commission shall:

1. Review the uniform application in light of its agreement with the comprehensive plan and locally adopted zoning regulations;
2. Conduct a public hearing on the application and make its final decision to approve or disapprove the uniform application; and
3. Advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the uniform application is submitted to the planning commission or within a date certain specified in a written agreement between the local planning commission and the applicant. If the planning commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the local planning commission and the applicant to a specific date for the planning commission to issue a decision, the uniform application shall be deemed approved.

If the planning commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the locally adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower shall be issued until the planning commission approves the uniform application or the sixty (60) day time period has expired, whichever occurs first.

The planning commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. A planning commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the local planning commission requires the applicant to attempt co-location, the applicant shall provide the local planning unit with a statement indicating that the applicant has:

1. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or
2. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a

telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:

1. Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and
2. Lists the reasons why the co-location was unsuccessful in each instance.

The local planning commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.

In the event of co-location, a utility shall be considered the primary user of the tower, if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

Upon the approval of an application for the construction of a cellular antenna tower by a planning commission, the applicant shall notify the Public Service Commission within ten (10) working days of the approval.

### ***16.5 Co-location and new facility site selection order***

It is the desire of The Greater Harrodsburg/Mercer County Planning and Zoning Commission to encourage co-location whenever feasible. However when this is not possible, new sites for wireless telecommunications facilities should be considered in zoning districts in the following order:

1. Industrial zoning districts first. If no suitable site are available then;
2. Commercial zoning districts, and then;
3. Residential zoning districts

## **Article 17 – Exterior Lighting Standards**

### ***17.1 Purpose and intent***

The purpose and intent of this article is to ensure that exterior (outdoor) lighting positively enhances the visual impact of a building or project on surrounding properties and uses. To that end, exterior lighting at a building or project should be designed and installed in a consistent and coordinated fashion to provide safe, convenient and efficient lighting for customers, pedestrians and vehicles, and to avoid the creation of hot spots, glare, obtrusive light, light pollution, light trespass, and visual nuisance. Also, exterior lighting should accentuate key architectural elements of the building or project, and highlight or otherwise emphasize landscape features.

### ***17.2 Scope***

This article shall apply to all buildings and projects with exterior lighting within the city limits except single family residential, duplexes, triplexes, and quadraplexes. At religious institutions, this article shall apply only to paved parking areas; IESNA standards shall apply to non-paved parking areas.

### ***17.3 Definitions***

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context may clearly indicate a different meaning:

**Color rendering index (CRI)** shall mean the scale used to compare the effect of the light source on the color appearance of its surroundings. (The higher the score, the more accurately the light source reflects true color.)

**Cutoff fixture** shall mean an outdoor light fixture that provides a cutoff (shielding) of the emitted light.

**Fixture** shall mean the assembly that houses the lamp or lamps, and may include all or some of the following parts: reflector (mirror), refractor (lens), ballast, housing, and other attachment parts.

**Footcandle (f.c.)** shall mean a measure of light noted as a unit of illuminance amounting to one lumen per square foot.

**Glare** shall mean intense and somewhat blinding light, or the sensation produced by a brightness within the visual field that is sufficiently greater than the intensity of light to which human eyes are accustomed or adapted, thereby causing annoyance, discomfort, visual impairment, or loss or reduction of visibility.

**Hot spot** shall mean an area of very high illumination above normal footcandle levels -- typically found in an area underneath a luminaire, making normal f.c. levels appear relatively dark.

**Illuminance** shall mean the quantity of light arriving at a surface divided by the area of the lighted surface, measured in footcandles.

**Illuminating Engineering Society of North America (IES or IESNA)** shall mean the nonprofit professional society of lighting engineers and specialists that has established recommended design standards for various exterior lighting applications.

**Internal louvered optical system** shall mean a series of high specular (mirror type) stacked louvers that cover the lamp, creating a cutoff, low glare light pattern.

**Lamp** shall mean a light bulb.

**Light pollution** shall mean any adverse effect of manmade light, often used to denote a brightness of the night sky, commonly known as urban sky glow.

**Light trespass** shall mean light falling where it is not desired, wanted or needed.

**Lumen** shall mean a quantitative unit measuring the amount of light emitted by a lamp or luminaire.

**Luminaire** shall mean a complete lighting unit consisting of the lamp, the fixture and other parts designed to distribute the light.

**Metal halide (lamp)** shall mean a high intensity discharge lamp where the light is produced by radiation from metal-halide vapors, and which renders colors close to their daytime appearance.

**Obtrusive light** shall mean light which causes annoyance, discomfort, visual impairment, or loss or reduction of visibility.

**Sag lens, convex lens or drop-lens** shall mean a clear or prismatic refracting lens that extends below the lowest opaque portion of a light fixture.

**Spill light** shall mean light which falls outside the property where the luminaire is sited.

## **17.4 Exterior lighting**

### **17.4.1 General standards.**

(1) **Exterior lighting plan.** An exterior lighting plan, including a photometric plan (which covers the parcel which is the site of the building or project in question), appropriate pole, fixture, and lamp cut sheets, and descriptions of lenses and appropriate data tables, shall be submitted for review. The exterior lighting plan shall be prepared by a licensed professional engineer, who shall certify that the exterior lighting plan complies with this article. (The photometric plan shall be prepared in a scale that is easily legible).

(2) **Lighting intensities.** Lighting intensities for buildings, projects, or other uses not specifically regulated by this article (for example, athletic fields, courts, and swimming pools) shall be designed as recommended by the Illuminating Engineering Society of North America (IESNA). However, all such uses shall comply with these regulations for control of glare and light level at the property line.

(3) **Footcandle intensities.** Footcandle intensities specified in this article shall be maintained values calculated using a maintenance factor ("m.f.") not lower than 0.72.

(4) **Light fixtures; types.** All light fixtures, including security lighting, shall be cutoff fixtures, and shall be incorporated as an integral design element that complements the design of the building or project through style, material or color. Luminaires shall not be tilted. Lighting of or on buildings shall be limited to wall washer type fixtures or up-lights, which do not produce spill light or glare. A cutoff fixture shall not have more than one percent (1%) of lamp lumens above horizontal. Sag lenses, convex lenses, and droplenses shall be prohibited. Lighting at a building or project shall not be comprised in whole or part of any floodlights, except floodlights may be permitted with a noncommercial industrial use, provided the floodlights are shielded to meet cut-off standards.

(5) **Illumination levels.** Illumination levels at the property line of the building or project shall not be more than 0.5 f.c. at any point when the building or project is located next to any residential use, and shall not be more than 1.0 f.c. when located next to any other use. To avoid glare or spill light from encroaching onto adjacent properties, illumination shall be installed with house side shields and reflectors, and shall be maintained in such a manner as to confine light rays to the premises of the building or project.

(6) **Time controls.** Non-residential lighting shall be installed with time controls so that light levels are reduced not later than one hour after the close of operations to the minimum levels needed under the IESNA to ensure safety and security (approximately a 50% reduction).

(7) **Upgrade or replacement.** When fifty percent (50%) or more of any component (e.g., luminaires, poles) of the exterior lighting system at a building or project is

upgraded, changed, or replaced (not including regular maintenance), such component for the remainder of the exterior lighting shall be brought into substantial compliance with the requirements of this article.

#### **17.4.2 Specific standards.**

(1) **Height.** Except as otherwise required under this article, the height of an outdoor lighting fixture (inclusive of the pole and light source/luminaire) shall be a maximum of thirty feet (30') within a parking lot, and a maximum of fifteen feet (15') within a non-vehicular pedestrian area. Height shall be measured from the finished grade to the top of the light fixture.

(2) **Parking areas.** To avoid conflict in layout, parking area lighting shall be coordinated with the required parking area landscape plans. In a parking area, the following lighting requirements shall apply:

- a. The lamp source shall be metal halide, or compact fluorescent, or a light source that produces a Color Rendering Index (CRI) of 65 or higher. Wattage shall not exceed four hundred (400) watts per bulb.
- b. Illumination levels outside the radius of any light pole (with radius meaning or equaling the height of the pole, not to exceed thirty feet, but no less than twenty feet) shall range between a minimum of 0.6 f.c. and a maximum of 3.6 f.c. The thirty foot (30') or lesser radius shall be shown on the photometric plan. The spacing between poles shall be no closer than 2 1/2 times the pole height. However, overflow lighting in a transition zone around a canopied area (see subsection (b)(4) regarding canopied areas) shall be permissible in the parking area surrounding the canopied area, notwithstanding the general lighting requirements in this subsection (b)(2) for parking areas.
- c. Decorative acorn-type fixtures shall not exceed eighteen feet (18') in height and two hundred fifty (250) watts per bulb, and shall have a textured clear lens/globe, frosted/phosphor coated bulbs, and an internal louvered optical system. (Refractor type glass globes that meet the cutoff standard and are equipped with frosted/phosphor coated bulbs are acceptable.)

(3) **Pedestrian walkways and bikeways.** In pedestrian walkways or bikeways, the following lighting requirements shall apply:

- a. The light fixture/luminaire shall be decorative in appearance, style and finish.
- b. The lamp source shall be metal halide, or compact fluorescent, or a light source that produces a CRI of sixty-five (65) or higher. Wattage shall not exceed one hundred (100) watts per bulb.
- c. Illumination levels shall range between a minimum of 0.2 f.c. and a maximum of 2.5 f.c.

(4) **Canopied areas.** At a canopied area, such as that found at drive-through facilities at banks, service stations, convenience centers, and car-washes, lighting under the

canopy, awning, porte-cochere, etcetera, shall be either recessed or cut-off fixtures. Additionally, the following lighting requirements shall apply:

- a. The lamp source shall be either metal halide, with wattage not to exceed two hundred fifty (250) watts per bulb, or compact fluorescent, or a light source that produces a CRI of sixty-five (65) or higher;
- b. The maximum footcandle level shall be twenty (20) f.c. (average maintained maximum), with a maximum to minimum ratio of 2:1.

**(5) Dealerships.**

- a. Display areas at dealerships for new and used products, including automobiles, trucks, recreational vehicles, motorcycles, and boats, shall have a maximum footcandle level of twenty-four (24) f.c. for any row or tier of display that is adjacent to an external road or street (public or private), and a maximum level of ten (10) f.c. for all other rows or tiers of display. However, overflow lighting in a transition zone around a row or tier of display that is adjacent to an external road or street shall be permissible between such row or tier and the adjoining row or tier.
- b. Entrances and exits to and from the dealership shall not exceed ten (10) f.c.
- c. All other areas (parking and storage) shall comply with the applicable requirements of this article.

**(6) Fire lanes and driveways.** Lighting at fire lanes or driveways at building entrances may exceed allowable standards of intensity for safety purposes upon demonstration that compliance with these lighting criteria would otherwise create a safety hazard. However, light levels shall not exceed five (5) f.c. at any point.

**(7) Automatic teller machines (ATMs).** Lighting intensities at ATM machines shall be governed by applicable Kentucky Statutes. However, free standing ATMs shall not exceed twenty (20) f.c. within a five foot (5') radius from the ATM or five (5) f.c. within a thirty foot (30') radius.

**17.5 Technical deviations**

(a) Any proposal which includes technical deviations from these lighting standards shall demonstrate the unique aesthetic and/or engineering design that meets or is within the spirit of these regulations. Such presentation shall include appropriate calculations and drawings or illustrations as necessary to explain the request or as may be required by the county.

(b) The planning & zoning commission shall make a determination whether to accept such proposed technical deviation after consulting with a mutually acceptable licensed professional engineer. The cost of making such determination shall be borne by the party requesting the technical deviation.

### ***17.6 Certificate of compliance required***

The building inspector shall not issue a certificate of occupancy until a licensed professional engineer delivers a certificate of compliance stating that the exterior lighting at the building and site complies with this article. However, where a project is of such a small scale that the lighting layout is considered an incidental engineering service, a certificate of compliance may be rendered by the licensed professional rendering the incidental service.

### ***17.7 Appeals***

Any decision by the zoning administrative official or building inspector may be appealed to the Board of Adjustments & Appeals as explained under Article 15 of this ordinance.



A public hearing on this ordinance was conducted by The Greater Harrodsburg/Mercer County Planning and Zoning Commission on **January 4, 2007**.

This document as presented was forwarded with a recommendation for adoption on **January 5, 2007**.

Certified by the Greater Harrodsburg/Mercer County Planning and Zoning Commission

Date January 5, 2007

Chairman, Boone Logan  
The Greater Harrodsburg/Mercer County Planning and Zoning Commission

1<sup>st</sup> reading - City of Harrodsburg, KY     January 22, 2007

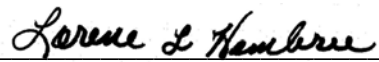
2<sup>nd</sup> reading - Adoption     February 12, 2007

Dated February 12, 2007



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Mayor, Lonnie M. Campbell

Attest



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City Clerk, Lorene Hembree